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ABSTRACT

Part IIa of a series of publications consisting of American Indian tribal governmental documents, this volume contains charters, constitutions, and by-laws of Indian tribes in the Northern Plains (Montana and North Dakota). Documents are presented relative to the Assiniboine and Sioux Tribes of the Fort Peck Reservation, the Blackfeet Tribe of the Blackfeet Reservation, the Chippewa Cree Tribe of the Rocky Boy's Reservation, the Northern Cheyenne Tribe of the Tongue River Reservation, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, the Fort Belknap Indian Community, and the Crow Tribe--all in Montana--and the Turtle Mountain Band of Chippewa Indians, the Devils Lake Sioux Tribe, and the Three Affiliated Tribes of the Fort Berthold Reservation (Arikara, Gros Ventre, and Mandan)--all in North Dakota. Maps showing locations of Indian reservations in Montana and North Dakota are included. (JH)

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CHARTERS, CONSTITUTIONS AND BY-LAWS OF THE INDIAN TRIBES OF NORTH AMERICA

Part IIa: The Northern Plains

compiled/edited by

George E. Fay

Museum of Anthropology
Colorado State College
Greeley, Colorado

September, 1967

RC005326

Acknowledgments

The editor is indebted to the following persons and tribal councils for providing, and extending permission to reprint herein, the charters, constitutions and by-laws of the Indian Tribes of Montana and North Dakota.

Montana

Tribal Executive Board of the Fort Peck Indian Reservation, Poplar; Assiniboine and Sioux Tribes.

Blackfeet Indian Agency, Browning; Blackfeet Tribe.

Albert W. Trimble, Superintendent, Rocky Boy's Agency, Box Elder; Chippewa Cree.

Crow Indian Tribal Council, Crow Agency; Crow Tribe.

Wallace Bear, Sr., Secy-Treas., Fort Belknap Community Council, Harlem; Gros Ventre and Assiniboine Tribes.

James E. Roberson, Reservation Programs Officer, Northern Cheyenne Agency, Lame Deer; Northern Cheyenne Tribe.

Kenneth R. Martin, Tribal Council Secretary, Flathead Reservation, Dixon; Salish and Kootenai Tribes.

North Dakota

David L. Varmette, Agency Program Officer, Turtle Mountain Agency, Belcourt; Turtle Mountain Band of Chippewa Indians.

Bureau of Indian Affairs Agency, Fort Totten; Devils Lake Sioux Tribe.

Gerald L. Keehn, Programs Officer, Fort Berthold Agency, New Town; Three Affiliated Tribes (Mandan, Arikara and Gros Ventre).

***

[The Shoshone and Arapahoe Tribes of the Wind River Indian Reservation, Wyoming, do not operate under federal charters nor have constitutions and by-laws.]

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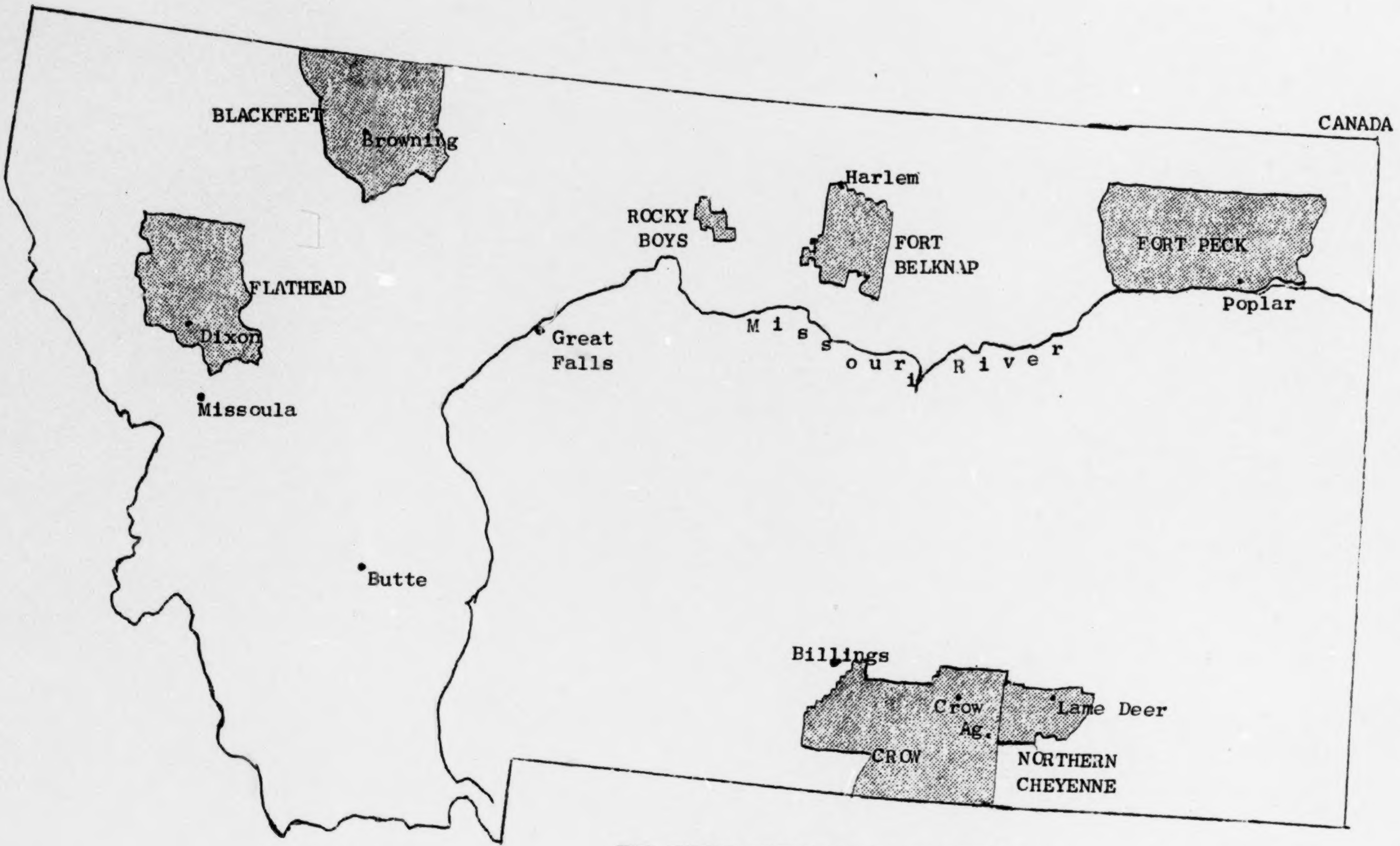
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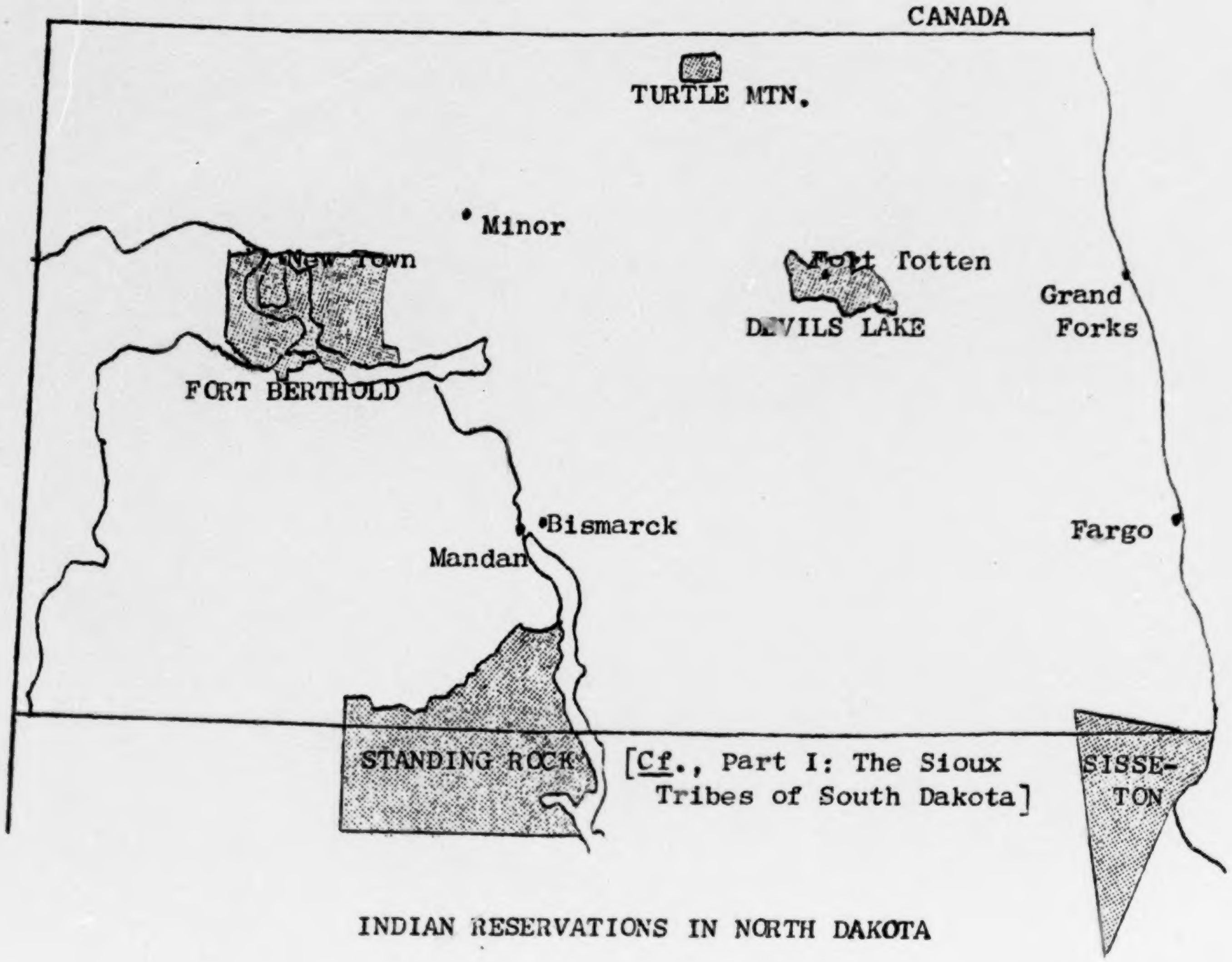
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[Cf., Part I: The Sioux Tribes of South Dakota]
SISSE-TON

INDIAN RESERVATIONS IN NORTH DAKOTA

CONSTITUTION AND BY-LAWS OF THE ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK INDIAN RESERVATION, MONTANA

Approved Effective October 1, 1960

ARTICLE I — PREAMBLE AND NAME

We, the adult members of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, in order to establish a recognized and approved tribal organization to handle our reservation affairs and business, to protect the sovereignty and the vested interest of our tribes and members under treaties, agreements, and laws heretofore enacted, to procure for our tribes and our members and our posterity, social, educational, and industrial assistance, also, to procure assistance in all matters of interest to the tribes, and to preserve peaceful and cooperative relations with the United States Government, its subdivisions, and its offices, do hereby establish this Constitution and By-Laws; with the legal name: "The Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana". (Where used herein, the "Reservation" refers to the Fort Peck Indian Reservation in Montana; the "tribes" to the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation; the "Board" to the Tribal Executive Board; the "Secretary" to the Tribal Executive Board Secretary;). (General Council refers to an assembly of the qualified Electors of the Tribes.)

ARTICLE II — TERRITORY

The jurisdiction of the tribes shall extend to the territory within the original confines of the Fort Peck Reservation as defined in the agreement of December 28 and December 31, 1886, confirmed by the Act of May 1, 1888 (25 Stat. Sec. 113, Ch. 212); and to such other lands as may be hereafter added thereto under any laws of the United States, except as otherwise provided by law.

ARTICLE III — MEMBERSHIP

Membership of the tribes of the reservation shall consist of those persons who qualify in accordance with an ordinance approved by the tribes in a referendum vote. A membership ordinance shall be submitted to the tribes simultaneously with the submission of this constitution for referendum vote by the tribes.

ARTICLE IV — GOVERNING BODY

SECTION 1. The governing body of the tribes shall be known as the Tribal Executive Board, subject to the powers of the General Council.

A General Council may initiate ordinances or reject within ninety days any enactment of the Executive Board. Upon petition of at least ten percent (10%) of the eligible voters of the Tribes, a General Council shall be called by the Chairman at a place within the Fort Peck Reservation designated in the petition; a quorum shall consist of twenty-five percent (25%) of the eligible voters of the Tribes. A stenographic transcript shall be kept of all proceedings of the General Council.

SEC. 2. The Board shall consist of a Chairman, a Vice-Chairman, a Secretary-Accountant, a Sergeant-at-arms, and twelve (12) Board members.

SEC. 3. The Chairman, the Vice-Chairman, and Sergeant-at-arms shall be elected by all the voters of the Assiniboine and Sioux Tribes. The Secretary-Treasurer shall be appointed from within or without the Board membership. Two (2) Board members shall be elected from each of the following districts by the eligible voters of each district: District 1, Fort Kipp; District 2, Riverside; District 3, Poplar; District 4, Wolf Point; District 5, Oswego; and District 6, Frazer.

SEC. 4. The Chairman, the Vice-Chairman, the Sergeant-at-arms, and Board members shall be elected for a two (2) year term.

SEC. 5. The Secretary-Accountant shall be appointed for a two (2) year term, and if appointed from outside of the elected Board membership, the Secretary-Accountant so appointed shall have no vote in Executive Board proceedings.

ARTICLE V — NOMINATIONS, ELECTIONS, AND VACANCIES

SECTION 1. Elections shall be by secret ballot. Voting shall be within the respective districts as provided herein, at a place designated within each district by the Board.

SEC. 2. All members of the Assiniboine and Sioux Tribes, as determined by Article III of this Constitution, who are 21 years of age or over, are eligible to vote, provided:

(a) Voters residing on the reservation shall be eligible to vote in the district in which they have last resided for a full 60 days immediately preceding the election. The registration of any member for voting at a State or County election shall be conclusive as establishing his or her place of residence.

(b) Non-resident voters may vote by absentee ballot in the last district of their former affiliation, provided they have registered their intent to vote in that district at least 30 days prior to the date of the election.

SEC. 3. The first election of the Board under this constitution and by-laws shall be held within one hundred twenty (120) days following its ratification and approval by the Secretary of the Interior under such rules, regulations, and ordinances as promulgated by the Tribal Executive Board. Subsequent elections shall be held on the last Saturday in October every two (2) years. In event such day is a holiday, the election shall be held on the first subsequent day that is not a holiday.

SEC. 4. Elected Board members shall take office at the first regular meeting following election. Before entering on duty the newly elected Board members shall file the oath of office certified by a notary public, the following oath: "I do solemnly swear that I shall faithfully execute the duties of my office, defend the Constitution of the United States of America, the State of Montana, and the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, so help me God."

SEC. 5. To be eligible for nomination and election to the Board, a person must be:

(a) An eligible voter on the reservation.

(b) A qualified candidate having resided in the district of his or her candidacy at least sixty (60) days immediately preceding an election, and not having been convicted of a felony for which he or she has not received a pardon.

(c) All questions of residence as referred to in this constitution shall be resolved by the Tribal Executive Board.

SEC. 6. The candidates for Chairman, Vice-Chairman, and Sergeant-at-Arms receiving the highest number of cumulative legal votes from all the districts shall be declared elected.

SEC. 7. The Tribal Executive Board shall have the authority to pass ordinances providing for method of elections, and not limiting said power to, but including election announcements, nominations, and fees, registration of voters lists, election officials and their duties, place of voting, certificates of elections, manner of protests and recount, and all election procedures; and as a guide, to follow as near as practicable Chapter 23 of the Revised Codes of Montana, 1947 as amended, and effective at the time; and in case of disputed interpretation, the decisional laws of Montana shall be resorted to, subject to the approval of the Fort Peck Tribal Executive Board.

ARTICLE VI — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a member should die, resign, be removed, or recalled from office, the Board shall declare the position vacant and appoint a qualified member of the respective district, by casting nine (9) votes in favor of the appointment, to fill the vacancy until the next regular or special election. Twenty-five percent (25%) of the eligible voting members of the district shall be sufficient to petition for a special election to be called within thirty (30) days to fill any district vacancies.

SEC. 2. A board member or officer of the board, may be removed from office by the Board, after having been given twenty (20) days notice in writing by the Secretary, and a chance to be heard. Causes for removal are:

(a) Permanent change of residence from the reservation.

(b) Conviction in any court of a felony while in office, and/or any course of conduct prejudicial to the tribes.

(c) Failure to attend three (3) regular meetings in succession, except that the Tribal Executive Board may approve reasonable grounds for non-attendance.

(d) Failure to attend and report to three (3) successive duly called District meetings.

(e) The Tribal Executive Board shall by duly enacted ordinances establish such procedures and regulations necessary to carry out the intent of this article.

(f) All questions which cannot be resolved by the Tribal Executive Board shall be referred to the Fort Peck General Council.

ARTICLE VII — GOVERNMENTAL POWERS

The Tribal Executive Board shall exercise the following powers subject to any limitations imposed by the Constitution or Statutes of the United States and Fort

Peck General Council, and subject further to all expressed restrictions upon such powers contained in this constitution and by-laws.

SECTION 1. To negotiate with Federal, State and local governments, and others on behalf of the tribes, and consult with representatives of the Department of the Interior on all activities which may affect the tribes.

SEC. 2. To employ legal counsel for the protection of the rights of the tribes.

SEC. 3. To make and enforce ordinances covering the tribes' right to levy taxes and license fees on persons or organizations doing business on the reservation, except that ordinances or regulations affecting non-members trading or residing within the jurisdiction of the tribes shall be subject to the approval of the Secretary of the Interior.

SEC. 4. To promote public health, education, security, charity, and such other services as may contribute to the social advancement of the members of the tribes.

SEC. 5. To provide, subject to the review of the Secretary of the Interior, or his authorized representative, for the maintenance of law and order and the administration of justice by establishing tribal courts and police force, and defining the powers and duties of same, and to promulgate criminal and civil codes of ordinances governing the conduct of the members of the tribes and non-member Indians residing within the jurisdiction of the tribes.

(a) To prescribe rules of inheritance, except allotted lands.

(b) To provide for an escheat of personal property to the Tribes of resident members who die intestate and without heirs.

(c) To protect and preserve the wildlife and natural resources of the reservation, and to regulate hunting and fishing on the reservation.

SEC. 6. To exclude from the restricted land of the reservation persons not legally entitled to reside thereon under ordinances subject to the review of the Secretary of the Interior.

SEC. 7. To adopt resolutions regulating the procedures of the Tribal Executive Board, its officials and committees in the conduct of tribal affairs.

SEC. 8. No authority contained in this constitution and by-laws may be delegated by the Tribal Executive Board to tribal officials, district councils, committees, delegates by the Tribal Executive Board to tribal officials, district councils, committees, delegates or associations, to carry out any functions of which this Tribal Executive Board assumes primary responsibility, except by ordinance or resolution duly enacted by the Tribal Executive Board in the legal session, and excepting those specific requirements contained in the by-laws hereof.

SEC. 9. The Tribal Executive Board is hereby authorized to recognize claim councils, district committees, and other organizations open to the membership of the tribes, and to approve such organizations, and to provide financial support, services, or such other assistance as may be required to carry on programs beneficial to the membership of the tribes.

ARTICLE VIII — FUTURE POWERS

The Tribal Executive Board may exercise future powers as may be granted to it by the membership of the tribes by appropriate amendments to this document.

ARTICLE IX — RESERVE POWERS

Any rights and powers heretofore vested in the Assiniboine and/or Sioux Tribes, but not expressly referred to in this constitution, shall not be abridged, but may be exercised through the adoption of appropriate amendments to this constitution.

ARTICLE X — BUSINESS AND FISCAL AUTHORITIES

The Tribal Executive Board shall exercise the following powers subject to any limitations imposed by the Constitution or Statutes of the United States and subject further to all expressed restrictions upon such powers contained in this constitution and by-laws.

SECTION 1. Not more than seventy percent (70%) of the income of the Tribes in the United States Treasury shall be paid out in per capita payments each year among the enrolled members of the tribes.

SEC. 2. To administer any funds within the control of the tribes; to make expenditures from available funds for tribal purposes, including salaries and expenses to tribal officials or employees. All expenditures of tribal funds under control of the Tribal Executive Board shall be authorized in legal session and the amounts so expended shall be a matter of public record.

SEC. 3. The Tribal Executive Board shall prepare annual budget requests for addance to the control of the tribes, such funds as may be deposited to their credit in the United States Treasury, or which may hereafter be appropriated for their use.

SEC. 4. To manage, lease, permit or otherwise deal with tribal land, interest in lands or assets under tribal jurisdiction; and to purchase or otherwise acquire lands, or interest in lands within the Fort Peck Indian Reservation, in accordance with law.

SEC. 5. To engage in any business that will further the economic well-being of the members of the tribes, or undertake any programs or projects designed for the economic advancement of the people.

SEC. 6. To borrow money from the Federal Government, or other sources, and to direct the use of such funds for productive purposes, or to loan money thus borrowed to members of the tribes, with the approval of the Secretary of the Interior, or his authorized representative.

SEC. 7. To pledge or assign chattel or future income due or to become due, provided such agreement, pledge, assignment, or extension thereof shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

SEC. 8. To make and perform contracts and agreements of every description, not inconsistent with law or the provisions of this constitution and by-laws, provided that any contract if required by law shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

ARTICLE XI — BY-LAWS

SECTION 1. General Council. Upon receipt of the Petition calling for General Council, the Chairman or in his absence, or failure to act within three (3) days, the Secretary, shall give fifteen (15) days notice of the Time and Place of such General Council by publication in newspapers having general circulation on the Fort Peck Reservation and by posting in three (3) public places in each election district.

SEC. 2. Meetings. The Tribal Executive Board shall establish regular and special meeting dates in accordance with duly enacted resolutions. The Secretary shall mail notices of all meetings and shall include dates, time, place, and purpose of special meetings at least three (3) days in advance.

SEC. 3. Quorum. A quorum shall consist of a majority of the voting members of the Tribal Executive Board, and no business shall be conducted at any time a quorum is absent.

SEC. 4. Manner of Acting. The act of a majority of the Tribal Executive Board representatives present at a meeting at which a quorum is present shall constitute the act of the Tribal Executive Board. Acts of the Tribal Executive Board may be by motion duly carried, except that any delegation of authority to act for and on behalf of the Tribal Executive Board shall be by written resolution and shall specify the nature of authority granted and the limitations, if any, imposed, excepting those authorities and responsibilities specifically outlined in these by-laws.

SEC. 5. Account. (a) The fiscal year shall begin on the first day of July, and end on the thirtieth day of June of each year.

(b) The Tribal Executive Board shall cause to be installed, maintained, and audited, a complete and detailed accounting system and such safe-guards as bonding officials and employees responsible for the safety, accuracy, and maintenance of such records and funds.

(c) All checks, drafts, or other order for the payment of Tribal money, notes, or other indebtedness issued in the name of the tribes, shall be signed by such officers, or agents, and in such manner as shall be prescribed by resolution. No tribal funds shall be disbursed except where so ordered by resolution.

SEC. 6. Duties of Officers.

Duties of Chairman:

(a) He shall preside at all regular and special meetings.
(b) He shall have general and active management of the affairs of the tribes except that he shall not act on matters binding the Tribal Executive Board until that body has deliberated and decided its course of action.
(c) He shall see that all resolutions and ordinances are carried into effect.
(d) He shall execute all official papers of the tribes when authorized to do so.
(e) He shall exercise general supervision of all other tribal officers and employees and see that their respective duties are performed.
(f) He shall submit a report of operations to the Tribal Executive Board at its regular meeting including all matters within his knowledge which the interest of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation may require be brought to its attention.
(g) He shall vote in the case of a tie only.

Duties of Vice-Chairman:

(a) In the absence of the Chairman, he shall preside. Then so presiding, he shall have all rights, privileges and duties, as set forth above under duties of the Chairman, as well as the responsibility of the Chairman.

Duties of Secretary:

(a) He shall keep a book of minutes at the principal office of the tribes or at such other place as the Tribal Executive Board may order, of all meetings of the Tribal Executive Board in the manner and in the form prescribed by the Board.

(b) He shall attend to the giving and serving of all notices of the Tribal Executive Board as required by this constitution.

(c) He shall keep the tribal roll, showing all changes therein as required by this constitution. In addition, he shall keep a current voting list.

(d) He shall atten to all such correspondence as may be assigned to him, and perform all other duties incidental to his office or prescribed by the Tribal Executive Board.

Duties of the Secretary as Accountant:

(a) He shall keep and maintain, open to inspection by the the members of the tribes or representatives of the Commissioner of Indian Affairs, at all reasonable times, adequate and correct accounts of the properties and business transactions of the tribes.

(b) He shall have care and custody of the funds and valuables of the tribes, and deposit same in the name of and to the credit of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, with such depositories as the Board may direct.

(c) Disburse the funds of the tribes as may be ordered by the Tribal Executive Board, taking proper signed invoices, vouchers, or other instruments for said disbursements.

(d) Render to the Tribal Executive Board a monthly report and account of all his transactions as Accountant, and an annual financial statement in forms and detail showing the condition of tribal expenditures, receipts and disbursements.

(e) The Tribal Accountant and all officers and employees whose duties involve the handling of tribal money or other resources, shall be bonded under the terms and conditions established by the Tribal Executive Board and approved by the Superintendent of the Fort Peck Reservation.

Duties of Sergeant-at-Arms:

(a) He shall act as Sergeant-at-Arms at all regular and special meetings and shall enforce all rules and see that peace and order are kept during the sessions of the Board.

(b) He shall perform other duties as assigned by the Tribal Executive Board.

(c) He shall not be a voting member of the Board.

ARTICLE XII — ROBERTS RULES OF ORDER

Roberts Rules of Order as revised shall govern all meetings of the General Council and the Tribal Executive Board except as otherwise provided in this constitution and by-laws.

ARTICLE XIII — MANNER OF REVIEW

SECTION 1. Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior shall within ten (10) days of its enactment be presented to the Superintendent of the Fort Peck Agency who shall within ten (10) days after its receipt by him approve or disapprove it.

SEC. 2. If the Superintendent approves any resolution or ordinance, it shall thereupon become effective, but the Superintendent shall transmit the enactment bearing his endorsement to the Secretary of the Interior, who may, within 90 days of the date of its enactment rescind the resolution or ordinance for any cause by notifying the Fort Peck Tribal Executive Board of his veto.

SEC. 3. If the Superintendent disapproves any resolution or ordinance, he shall within 10 days after its receipt by him advise the Tribal Executive Board in writing of his reasons therefore, and if these reasons appear to the Board insufficient, it may, by vote of the majority of all members, refer the resolution or ordinance to the Secretary of the Interior and if approved by him in writing it shall become effective.

ARTICLE XIV — REFERENDUM

Upon a petition of at least twenty-five percent (25%) of the eligible voters of the tribes, or upon request of a majority of the Tribal Executive Board members, any enacted or proposed enactment of the Tribal Executive Board shall be submitted to a popular referendum, and the vote of a majority of the qualified voters at that election shall be conclusive.

ARTICLE XV — AMENDMENT

This constitution and by-laws may be amended by a majority vote of the qualified voters of the tribes voting at an election called for that purpose by the Tribal Executive Board or General Council or under the provisions of Article XIV of this constitution, provided that no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

ARTICLE XVI — ADOPTION

This revised constitution and by-laws when adopted by a majority vote of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, voting at a special election called by the Tribal Executive Board, shall be submitted to the Secretary of the Interior, and shall be in full force and effect from the date of such approval by the Secretary of the Interior.

***

CERTIFICATE OF ADOPTION

Pursuant to an election called by the Fort Peck Tribal Executive Board, the attached Constitution and Bylaws of the Fort Peck Tribes was submitted for ratification to the members of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, and was on October 1, 1960, ratified by a vote of 756 for, and 141 against.

AUSTIN BUCKLES
Chairman, Fort Peck Tribal Executive Board

JOSEPH W. CULBERTSON
Secretary, Fort Peck Tribal Executive Board

DALE M. BALDWIN
Supt., Fort Peck Agency

***

APPROVAL

I, George W. Abbott, Assistant Secretary of the Interior of the United States of America, do hereby approve the attached Constitution and Bylaws of the Fort Peck Tribes of the Fort Peck Indian Reservation, Montana.

Approval recommended:

GLENN L. EMMONS
Commissioner
Bureau of Indian Affairs

November 22, 1960

GEORGE W. ABBOTT
Assistant Secretary of the Interior

[SEAL]

Washington, D.C.

Date: November 30, 1960

***

ENROLLMENT ORDINANCE NO. 1

WHEREAS, the Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, ascertained that it is necessary to determine membership of the Tribes in order that per capita payments may be made, and to provide otherwise for the general welfare of its members.

NOW, THEREFORE, BE IT RESOLVED, that membership of the Assiniboine and/or Sioux Tribes of the Fort Peck Reservation shall consist of:

SECTION 1. Qualifications. The following individuals automatically qualify for membership in the Assiniboine and Sioux Tribes of the Fort Peck Reservation and shall be enrolled if they comply with the rules of procedure prescribed for enrollment by the Tribal Executive Board.

(a) Basic Rolls. Each living person of Assiniboine and/or Sioux blood whose name appears on either the 1932 annuity payment roll or an allotment schedule prepared and approved pursuant to the Acts of February 8, 1887, (24 Stat. 388), February 28,1891, (26 Stat. 794), May 30, 1908 (35 Stat. 558), August 1, 1914 (38 Stat. 593), February 14, 1920 (41 Stat. 408), and March 3, 1927 (44 Stat. 1401), provided that he or she is not enrolled as a member of some other tribe.

(b) Descendants of Persons on Basic Roll. Each living person of Assiniboine or

Sioux blood born prior to the effective date of this constitution who is a lineal descendant of a person whose name appears on one or both of the documents specified in (a) of this section regardless of whether such annuitant or allottee is living or deceased, provided that he or she is not enrolled as a member of some other tribe, and provided further that he or she is a citizen of the United States.

(c) Adoptees. Each person adopted into tribal membership by the General Council prior to the effective date of this constitution whose adoption was approved by the Secretary of the Interior, or his authorized representative, provided such adoptee has not subsequently become enrolled as a member of some other tribe.

(d) Future Members. Each child of one-fourth or more Assiniboine and/or Sioux blood born after the effective date of this ordinance to any member of the Assiniboine and Sioux Tribes, provided the parents are citizens of the United States at the time of the child's birth.

SEC 2. Loss of Membership. In no case shall a member lose his membership other than by personal request in writing to the Tribal Executive Board or establishing residence in a foreign country.

SEC. 3. Rules of Procedure. The Tribal Executive Board shall have the authority to appoint an Enrollment Committee of seven tribal members and to prescribe rules to be followed by the Committee and by the tribal members in compiling a membership roll in accordance with the provisions of this article. The completed roll to be approved by the Tribal Executive Board, and in case of distribution of tribal assets the roll shall be submitted to the Secretary of the Interior for final approval by him or by his authorized representative prior to such distribution.

SEC. 4. Appeals. Any person who has been rejected for enrollment as a member of the Assiniboine and Sioux Tribes shall have the right to appeal within sixty days from the date of receipt of written notice of rejection to the Secretary of the Interior from the decision of the Tribal Executive Board, and the decision of the Secretary of the Interior shall be final.

SEC. 5. Definition. Wherever the term "Assiniboine or Sioux blood" is used in this article, it shall be determined to mean the blood of either or both the Assiniboine or the Sioux Tribe of the Fort Peck Reservation, Montana.

BE IT FURTHER RESOLVED, that this membership ordinance when adopted by a majority vote of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, voting at a special election called by the Tribal Executive Board shall be in full force and effect.

***

CERTIFICATION OF ADOPTION

Pursuant to an election called by the Fort Peck Tribal Executive Board, the attached Enrollment Ordinance of the Fort Peck Tribes was submitted for ratification to the members of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, and was on October 1, 1960, ratified by a vote of 744 for, and 144 against.

AUSTIN BUCKLES
Chairman, Fort Peck Tribal Executive Board

JOSEPH W. CULBERTSON
Secretary, Fort Peck Tribal Executive Board

DALE M. BALDWIN
Supt., Fort Peck Agency

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APPROVAL

I, George W. Abbott, Assistant Secretary of the Interior of the United States of America, hereby approve the attached Enrollment Ordinance of the Fort Peck Tribes of the Fort Peck Indian Reservation, Montana.

Approval recommended:
Nov. 22, 1960

GLENN L. EMMONS
Commissioner
Bureau of Indian Affairs

GEORGE W. ABBOTT
Assistant Secretary of the Interior

[SEAL]

Washington, D.C.

Date: Nov. 30, 1960

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UNITED STATES
DEPARTMENT OF THE INTERIOR

Office of the Secretary
Washington 25, D.C.

November 30, 1960
Through: Area Director, Billings

Dear Mr. Baldwin:

It has come to my attention that, once again, the 1927 Constitution and Bylaws of the Fort Peck Tribes, as amended, is being interpreted by certain tribal ma in a manner which if agreed to, would circumvent the recent tribal election held on October 1, 1960. We are advised that tribal electorate did vote in favor of adopting a new Constitution and Bylaws and Enrollment Ordinance by an over-whelming majority.

The 1927 Constitution and Bylaws has been a continuing source of conflict, even though it was drawn to provide the Assiniboine and Sioux Tribes with effective self-government. Unfortunately, its terms are so ambiguous and uncertain as to have hindered, in many instances, rather than helped obtain this laudable intent. The 1927 Constitution and Bylaws has given rise to a political body more often concerned with factional disputes than a deliberative body for reaching decisions for the tribes' constructive participation in resources or social development, or in maximizing these opportunities for their members. It permits any temporary group with a majority at a particular meeting to dominate out of all proportion to its real and continuous support by the tribal membership.

Certainly, we expect contending political groups and differences of opinion to continue under the new Constitution and Bylaws, but we are convinced that this document provides the defined authorities needed to produce a more stable and effective tribal government. Neither the General Council nor the Executive Board have been able to provide tribal government on a basis consistent with the duties and responsibilities of the United States as trustee of the resources of the tribes under the 1927 Constitution and Bylaws, On behalf of the United States, acting as such trustee, we find that it is improbable that a continuation under the terms of the 1927 Constitution and Bylaws of the Fort Peck Tribes, as amended, will produce any greater opportunity to maximize the Indian use of resources or to improve the tribes' management of their affairs.

When it appeared that the people of the Fort Peck Tribes desired to express their views on revising the 1927 Constitution and Bylaws by referendum, the Secretary of the Interior had the power to suspend recognition of the 1927 Constitution as the controlling document of organization for the tribes and to hold in abeyance further recognition of the tribal government under that Constituion until an expression of the will of the tribal members could be obtained. The referendum held on October 1 clearly indicates that a constitutional revision has the support of the tribal membership.

In accordance with the wishes of the Fort Peck Tribes, as indicated by a vote of 756 for, and 141 against the Constitution and Bylaws, I must reluctantly withdraw this Department's recognition of the 1927 Constitution and Bylaws, as amended, effective October 1, 1960. I am also hereby approving the Constitution and Bylaws and the Enrollment Ordinance which the Fort Peck Tribes voted to approve at their election held on October 1, 1960, effective as of that date. Copies of the approved documents and my approval are enclosed for your safekeeping.

We strongly feel that the Executive Board and its advisory committees have accomplished a prodigious and exemplary achievement in the direction of better government. The wholehearted support of the new Constitution and Bylaws and Enrollment Ordinance by the tribes' electorate merits our sincerest congratulations for a difficult and comprehensive job well done.

Sincerely yours,

GEORGE W. ABBOTT
Assistant Secretary of the Interior

Mr. Dale Baldwin
Supt., Fort Peck Agency.

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The Assiniboine and Sioux Tribes of the Fort Peck Reservation do not have a Federal Charter.

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CORPORATE CHARTER OF THE BLACKFEET TRIBE OF THE BLACKFEET INDIAN RESERVATION, MONTANA

Ratified August 15, 1936

Whereas, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana constitutes a recognized Indian tribe organized under a Constitution and By-laws ratified by the Tribe on November 13, 1935, and approved by the Secretary of the Interior on December 13, 1935, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Blackfeet Tribe of the Blackfeet Indian Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation.

1. Corporate Existence. In order to further the economic development of the Blackfeet Tribe of the Blackfeet Indian Reservation in Montana by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Blackfeet Tribe of the Blackfeet Indian Reservation."

2. Perpetual Succession. The Blackfeet Tribe of the Blackfeet Indian Reservation shall, as a Federal corporation, have perpetual succession.

3. Membership. The Blackfeet Tribe of the Blackfeet Indian Reservation shall be a membership corporation. Its members shall consist of all persons now or hereafter entitled to membership in the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Blackfeet Tribal Business Council established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all of the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Tribal Constitution and By-laws.

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

1. No sale or mortgage may be made by the Tribe of any land or interests in land, including water power sites, water rights, oil, gas, and other mineral rights now or hereafter held by the Tribe within the boundaries of the Blackfeet Reservation. No sale of any other capital assets of the Tribe exceeding in value the sum of $10,000 may be made unless approved by a majority vote at a referendum called by the Tribal Council as provided in Article IX of the Constitution of the Tribe.

2. No leases or permits (which terms shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Blackfeet Indian Reservation shall be made by the Tribe for a longer term than ten years, and all such leases, permits, or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

3. No action shall be taken by or in behalf of the Tribe which is in conflict with regulations authorized by Section 6 of the Act of June 18, 1934, or in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Blackfeet Indian Reservation.

(c) To issue interests in corporate property in exchange for restricted Indian lands, as provided in Article VII, Section 6, of the Constitution of the Tribe.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe, provided that the amount of indebtedness to which the Tribe may subject itself shall not exceed one hundred thousand dollars, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Montana, including agreements with the State of Montana for the rendition of public services: Provided, That any contract involving payment of money by the corporation in excess of $10,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) For the purpose of obtaining any loan, to pledge or assign any chattels purchased with the proceeds of such loans, or any income arising from activities of the Tribe financed by the proceeds of such loan, or any income due or to become due on any notes, leases or contracts taken as security for the reloan by the Tribe of the proceeds of such loan whether or not such notes, leases, or contracts, are in existence at the time, but no pledge or assignment shall be made to any person or agency, other than the Secretary of the Interior, without the approval of the Secretary of the Interior.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the postal savings bank or with a bonded disbursing officer of the United States to the credit of the Tribe.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe, or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattel specially pledged or assigned.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon the request of the Blackfeet Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5b, (2), 5f, 5g, 5h, and Section 8 of this charter, the Secretary of the Interior, if he deems it wise and expedient so to do, shall approve such termination and submit it for ratification by the Tribe. It shall be effective upon ratification by a majority vote at an election in which at least thirty per cent of the adult members of the Tribe residing on the reservation shall vote. If at any time after ten years from the effective date of this charter, such request shall be made and the Secretary shall disapprove such termination or fail to approve or disapprove it within ninety days after its receipt, it may then be submitted by the Secretary of the Interior or by the Tribal Council to popular referendum of the adult members of the Tribe actually living within the reservation and if approved by two-thirds of the eligible voters, shall be effective.

7. Corporate Property. No property rights of the Blackfeet Tribe, as heretofore constituted, shall be in any way impaired by anything contained in this charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized.

The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or canceled pursuant to law.

8. Corporate Dividends. The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, the net income of corporate activities including the proceeds of leases of tribal assets, including oil royalties over and above sums necessary to defray cor-

porate obligations to members of the Tribe or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, and other expenses incurred by the Tribe for corporate purposes. Any such distribution of profits in any one year amounting to a per capita cash payment of $100 or more, or amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior.

9. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs. The Tribal Council shall elect from within or without their number a Treasurer of the Tribe who, under their control and direction, shall be the custodian of all moneys which come under the jurisdiction or control of the Tribal Council. He shall pay out money in accordance with the orders and resolutions of the Council, and no disbursements shall be made without the signature or approval of the Treasurer. He shall keep accounts of all receipts and disbursements and shall make written reports of same to the Tribal Council at each regular and special meeting. He shall be bonded in such an amount as the Council by resolution shall provide, such bond to be approved by the Commissioner of Indian Affairs. The books of the Treasurer shall be audited at the direction of the Council or of the Commissioner of Indian Affairs, and shall be open to inspection by members of the Tribe or duly authorized representatives of the Government at all reasonable times.

10. Amendments. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Council which if approved by the Secretary of the Interior, to be effective shall be ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 per cent of the eligible voters vote.

11. Ratification. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Blackfeet Tribe living on the Blackfeet Indian Reservation, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Blackfeet Indian Agency and the Chairman of the Tribal Council of the Tribe.

Submitted by the Secretary of the Interior for ratification by the Blackfeet Tribe of the Blackfeet Indian Reservation in a popular referendum to be held on August 15, 1936.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

Washington, D.C., July 18, 1936.

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CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), this charter, issued on July 18, 1936, by the Secretary of the Interior to the Blackfeet Tribe of the Blackfeet Reservation, was duly submitted for ratification to the adult Indians living on the reservation and was on August 15, 1936, duly ratified and accepted by a vote of 737 for and 301 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

JOSEPH W. BROWN,
Chairman of the Blackfeet Tribal
Business Council.

C. L. GRAVES,
Superintendent, Blackfeet Agency.

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CONSTITUTION AND BY-LAWS FOR THE BLACKFEET TRIBE
OF THE BLACKFEET INDIAN RESERVATION, MONTANA

Approved December 13, 1935

We, the adult members of the Blackfeet Indian Tribe, pursuant to the authority vested in us by Section 16 of the Act of June 18, 1934 (48 Statutes at Large, page 986), and amendments thereto, do hereby organize for the common welfare of said tribe and the members thereof, and for such purpose do adopt the following constitution for the government, protection, and common welfare of the said tribe and members thereof.

ARTICLE I — TERRITORY

The jurisdiction of the Blackfeet Tribe shall extend to the territory within the confines of the Blackfeet Reservation boundaries as defined in the agreement of September 26, 1895; and to such other lands as may be hereafter added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II — MEMBERSHIP

SECTION 1. The members of the Blackfeet Tribe shall consist as follows:

(a) All persons of Indian blood whose names appear on the official census roll of the tribe as of January 1, 1935.

(b) All children born to any blood member of the Blackfeet Tribe maintaining a legal residence within the territory of the reservation at the time of such birth.

SEC. 2. The tribal council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership and the adoption of new members.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Blackfeet Tribe shall consist of a council known as the Blackfeet Tribal Business Council.

SEC. 2. This council shall consist of thirteen members, duly elected from the four districts of the Blackfeet Reservation. The four districts of the reservation are designated as follows: Agency district; Seville district; Old Agency district; Heart Butte district.

The voters of the Old Agency district shall elect three councilmen.
The voters of the Heart Butte district shall elect three councilmen.
The voters of the Seville district shall elect three councilmen.
The voters of the Agency district shall elect four councilmen.

The present tribal council shall designate the boundaries of each district prior to the election of the first council, as provided in this constitution, and the council hereafter shall have the authority to change the boundaries of the districts, provided the proportionate representation in the council based on the number of people in each district is maintained as nearly as possible. [Cf., Amendment I.]

SEC. 3. In lieu of the districts as herein described the tribal council shall have the power to establish communities, and the basis of representation on the tribal council from such communities, subject to popular vote.

SEC. 4. (a) The tribal council so organized shall elect from its membership: (1) A chairman; (2) a vice chairman.

(b) The tribal council shall elect from within or outside of its own membership: (1) A secretary; (2) a sergeant-at-arms; (3) such other officers and committees as may be deemed necessary.

ARTICLE IV — ELECTIONS AND NOMINATIONS FOR THE TRIBAL COUNCIL

SECTION 1. The first elections of the tribal council hereunder shall be called and supervised by the present tribal council within thirty (30) days after the ratification and approval of this constitution. Members of this tribal council shall be elected for a term of two (2) years by the respective voters of each district. There after their successors shall be chosen every two years, which elections shall be held on the third Tuesday prior to the expiration of their terms of office. [Cf., Amendment II.]

SEC. 2. Each qualified candidate for the tribal council shall file notice of his candidacy with the secretary of the tribal council at least fifteen (15) days prior to the election. The list of candidates shall be posted by the secretary of the tribal council, in the respective districts, not less than ten (10) days prior to the election.

SEC. 3. All elections shall be held in accordance with the rules and regulations laid down by the tribal council, or an election board appointed by the tribal council.

SEC. 4. The places of voting shall be designated by the tribal council.

SEC. 5. All elections shall be by secret ballot.

SEC. 6. It shall be the duty of the members of the tribal council, or a board appointed by them, to certify to the election of the duly elected tribal council members. This shall be done within 5 days after each election.

SEC. 7. Any member of the Blackfeet Tribe, twenty-one (21) years of age or over, shall be eligible to vote at any election when he or she presents himself or herself at a polling place within his or her voting district.

ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a council member or official shall die, resign, permanently leave the reservation, or shall be removed for cause, the council shall declare the position vacant and shall elect to fill the unexpired term, provided that the person elected to fill the unexpired term shall be a resident of the district in which the vacancy occurred.

SEC. 2. The tribal council may expel a member by nine (9) or more members of the council voting for expulsion. Before any vote for expulsion is taken on the matter, such member shall be given an opportunity to answer any and all charges at a designated council meeting; and the decision of the tribal council shall be final.

ARTICLE VI — POWERS OF THE COUNCIL

SECTION 1. Enumerated Powers.—The council of the Blackfeet Reservation shall exercise the following powers, subject to any limitations embodied in the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and the attached by-laws.

(a) To negotiate with the Federal, State, and local Governments on behalf of the tribe and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Blackfeet Tribe.

(b) To employ legal counsel for the protection and advancement of the rights of the Blackfeet Tribe and its members; the choice of counsel and the fixing of fees to be approved by the Secretary of the Interior.

(c) To prevent the sale, disposition, lease, or incumbrance of tribal lands, interests in lands or other tribal assets, without the consent of the tribe.

(d) To advise the Secretary of the Interior in regard to all appropriation estimates or Federal projects for the benefit of the Blackfeet Tribe prior to the submission of such estimates to the Bureau of the Budget and Congress.

(e) To manage all economic affairs and enterprises of the Blackfeet Reservation, including all oil leases on tribal lands and the disposition of all oil royalties from tribal lands, in accordance with the terms of a charter to be issued to the Blackfeet Tribe by the Secretary of the Interior.

(f) To make assignments of tribal lands to members of the Blackfeet Tribe in conformity with Article VII of this constitution.

(g) To select subordinate boards, tribal officials and tribal employees, not otherwise provided for in this constitution, and to prescribe their tenure and duties, and to make expenditures from available tribal funds for public purposes, including salaries or other remunerations of tribal officials or tribal employees. Such salaries or remunerations shall only be paid for services actually authorized in a regular and legal manner and actually rendered; and the amount, or amounts, so paid shall be a matter of public record at all times.

(h) To regulate and license all business or professional activities conducted upon the reservation, subject to the approval of the Secretary of the Interior and to levy assessments for public purposes, provided that any assessments upon non-members trading or residing within the jurisdiction of the tribe shall be subject to the approval of the Secretary of the Interior.

(i) To exclude from the land owned by the tribe or its members persons not legally entitled to reside thereon, under ordinances which shall be subject to review by the Secretary of the Interior.

(j) To requisition community labor for public purposes of the tribe and to purchase land from members of the tribe under condemnation proceedings in courts of competent jurisdiction, subject to review by the Secretary of the Interior.

(k) To promulgate ordinances for the purposes of safeguarding the peace and safety of residents of the Blackfeet Indian Reservation, and to establish minor courts for the adjudication of claims or disputes arising amongst the members of the tribe, and for the trial and punishment of members of the tribe charged with the commission of offences set forth in such ordinances.

(l) To regulate the inheritance of real and personal property other than allotted lands within the Blackfeet Reservation, subject to review by the Secretary of the Interior.

(m) To encourage and foster Indian arts, crafts, culture, and traditions.

(n) To enact ordinances not inconsistent with Article II of this constitution, governing adoption and abandonment of membership, and to keep at all times a correct roll of the Blackfeet Reservation.

(o) To provide for the appointment of guardians for minors and mental incompetents, by ordinances or resolutions, subject to the approval of the Secretary of the Interior.

(p) To promulgate rules and regulations governing fishing, hunting, and trapping on the Blackfeet Reservation.

(q) To adopt resolutions regulating the procedure of the council itself, and of other tribal agencies and tribal officials of the reservation.

(r) To delegate to subordinate boards or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any actions taken by virtue of such delegated powers.

SEC. 2. Manner of Review.—Any resolution or ordinance which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation, who shall, within ten (10) days thereafter, approve or disapprove the same. If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the tribal council of such decision. If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten (10) days after its enactment, he shall advise the Blackfeet Tribal Business Council of his reason thereof. If these reasons appear to the council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. Future Powers.—The council of the Blackfeet Reservation may exercise such further powers as may in the future be delegated to the council by the members of the tribe or the Secretary of the Interior or by any other duly authorized official or agency of the State or Federal Government.

SEC. 4. Reserved Powers.—Any right and powers heretofore vested in the tribe or band of the Blackfeet Reservation, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Blackfeet Reservation through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VII — LAND

SECTION 1. Allotted Lands.—Allotted lands, including heirship lands, within the Blackfeet Reservation, shall continue to be held as heretofore by their present owners. It is recognized that under existing laws such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Montana or of the Federal Government, or by the tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Blackfeet Tribe. Likewise it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his or her land to the Blackfeet Tribe, either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Tribal Lands.—The unallotted lands of the Blackfeet Reservation, and all lands which may hereafter be acquired by the Blackfeet Tribe or by the United States in trust for the Blackfeet Tribe, including tribal timber reserve, shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Blackfeet Tribe, or leased, or otherwise used by the tribe as hereinafter provided.

SEC. 3. Leasing of Tribal Lands.—Tribal lands may be leased by the tribal council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

No lease of tribal land to a non-member shall be made by the tribal council unless it shall appear that no Indian cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the tribal council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SEC. 4. Grant of "Standard" Assignments.—In any assignment of tribal lands which now are owned by the tribe or which hereafter may be acquired for the tribe by the United States or purchased by the tribe out of tribal funds, preference shall be given, first, to heads of families which are entirely landless, and second, to heads of families which have no allotted lands or interests in allotted lands but shall have already received assignments consisting of less than forty (40) acres of irrigated land, one hundred and sixty (160) acres of dry agricultural land or three hundred and twenty (320) acres of grazing land, or other land or interests in land of equal value.

No allotted member of the tribe who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The tribal council may, if it sees fit, charge a fee of not to exceed $2.00 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as "standard" assignments.

SEC. 5. Tenure of Standard Assignments.—If any member of the tribe holding a standard assignment of land shall for a period of one (1) year fail to use the land so assigned or shall use such land for any unlawful purposes, his assignment may be cancelled by the tribal council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of Section 4 of this article.

Upon the death of any Indian holding a "standard" assignment, his heirs or other individuals designated by him by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Blackfeet Tribe who would be eligible to receive a "standard" assignment.

SEC. 6. Grant of "Exchange" Assignments.—Any member of the tribe who owns an allotment or any share of heirship land or any deeded lands within the reservation may voluntarily transfer his interest in such lands to the tribe in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as exchange assignments.

SEC. 7. Leasing of Exchange Assignments.—Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

SEC. 8. Inheritance of Exchange Assignments.—Upon the death of the holder of any exchange assignment, such land shall be reassigned by the tribal council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Blackfeet Tribe, except that a life assignment may be made to the surviving child, widower or widow of the holder of an assignment.

(b) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than eighty (80) acres, and no area of agricultural land shall be subdivided into units smaller than 2½ acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the tribal council shall issue to such heirs or devisees grazing permits or other interests in tribal lands of the same value as the assignment of the decedent.

(c) Such lands may not be reassigned to any heir or devisee holding under allotment or assignment more than two sections of grazing land or other land of equal value.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of Section 4 of this article.

SEC. 9. Inheritance of Improvements.—Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Blackfeet Tribe or otherwise disposed of under such regulations as the tribal council shall provide. No permanent improvements shall be removed from the land without the consent of the tribal council.

SEC. 10. Exchange of Assignments.—Assignments may be exchanged between members of the Blackfeet Tribe by common consent in such manner as the tribal council shall designate.

SEC. 11. Use of Unassigned Tribal Land.—Tribal land which is not leased or assigned, including tribal timber reserves, shall be managed by the tribe for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole.

SEC. 12. Purchase of Land by Tribe.—Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land, under the following conditions:

(a) Land within the Blackfeet Reservation or adjacent to the boundaries thereof which is not now in Indian ownership may be purchased by or for the Blackfeet Tribe.

(b) Restricted land, which is in heirship status at the time of the adoption and approval of this constitution, may be purchased by or for the tribe, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.

(c) Land owned by any member of the tribe who is over the age of sixty (60) years or is physically incapacitated and who is without dependents may be transferred by its owner to the tribe in exchange for a pension upon such terms as may be agreed upon.

(d) Land owned by any member of the tribe who desires to leave the reservation permanently may be purchased by the tribe, under such terms as may be agreed upon.

SEC. 13. Method of Making Assignments.—Application for assignments shall be filed with the secretary of the council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located for not less than twenty (20) days before action is taken by the council. Any member of the tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the secretary of the council, and may, if he so desires, appear before the council to present evidence. The secretary of the council shall furnish the superintendent or other officer in charge of the agency a complete record of all action taken by the council on applications for assignment of land,

and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

The council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE VIII — BILL OF RIGHTS

SECTION 1. Suffrage.—Any member of the Blackfeet Tribe, twenty-one (21) years of age or over, shall be eligible to vote at any election when he or she presents himself or herself at a polling place within his or her voting district.

SEC. 2. Economic Rights.—All members of the tribe shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SEC. 3. Civil Liberties.—All members of the tribe may enjoy without hindrance freedom of worship, conscience, speech, press, assembly, and association.

SEC. 4. Rights of Accused.—Any member of the Blackfeet Tribe accused of any offense shall have the right to a bond, open and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses on his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than thirty days' imprisonment. Excessive bail shall not be required and cruel punishment shall not be imposed.

ARTICLE IX — REFERENDUM

Upon a petition of at least one-third (1/3) of the eligible voters of the Blackfeet Tribe, or upon the request of a majority of the members of the tribal council, any enacted or proposed ordinance or resolution of the council shall be submitted to popular referendum, and the vote of a majority of the qualified voters voting in such referendum shall be conclusive and binding on the tribal council.

ARTICLE X — AMENDMENTS

This constitution and by-laws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of two-thirds (2/3) of the council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters, members of the tribe.

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BY-LAWS OF THE BLACKFEET TRIBAL BUSINESS COUNCIL OF MONTANA

ARTICLE I

To be eligible for membership on the Blackfeet Indian Tribal Council, it will be necessary that the Indian be a member of the Blackfeet Tribe, living on the Black-

Reservation for at least six (6) months prior to the date of election at which he or she may become a candidate. The council in office shall determine whether or not he or she is an eligible candidate for the district which he or she proposes to represent.

ARTICLE II — INSTALLATION OF ELECTED BUSINESS COUNCIL CANDIDATES

The newly elected candidates to the tribal council shall be installed in office at the first regular meeting of the council after certificate of their election has been issued.

ARTICLE III — POLLING PLACES

Polling places shall be established as follows until otherwise provided by ordinance of the tribal council: Browning district; Seville district; Heart Butte district; Old Agency district; Agency Community Hall, Babb Ranger Station; Agency Community Hall; Heart Butte Community Hall, Little Badger Community Hall; Old Agency Community Hall.

ARTICLE IV — JUDGES AND CLERKS

On each election day there shall be employed and stationed at each polling place three (3) election judges and two (2) clerks, who shall be named by the council in office. The judges shall judge the election and the clerks will record and tally votes.

ARTICLE V — MEETINGS

A regular council meeting shall be called on the first Thursday of each month and special meetings may be called by the chairman of the council at such times as are deemed necessary. Meetings will be held at the Community Hall in Browning. They will be open to the general public and from time to time the public will be invited to participate in the discussion of matters of importance to the tribe.

ARTICLE VI — DUTIES OF OFFICERS

Chairman.—The chairman shall preside at all council meetings.

Vice chairman.—Should the chairman not be present at a meeting the vice chairman shall preside in his stead.

Secretary.—The secretary shall call the roll at the opening of each meeting. He then shall read the minutes of the previous meeting. The minutes shall be approved by the council, after which it shall be the secretary's duty to call to the attention of the council any unfinished business of the previous meeting. Further, the secretary shall read to the council all communications which, during the month have been received by said council. It shall be the duty of the secretary to answer all correspondence after it has been discussed and a decision made by the council.

Sergeant-at-arms.—It shall be the duty of the sergeant-at-arms to keep order at all council meetings.

ARTICLE VII — PROCEDURE OF ADOPTION

This constitution and the attached by-laws, when adopted by a majority vote of the voters of the Blackfeet Tribe voting at a special election called by the Secreta of the Interior, in which at least thirty (30) percent of those entitled to vote sha vote, shall be submitted to the Secretary of the Interior for his approval, and shal be in force from the date of such approval.

***

CERTIFICATE OF ADOPTION

Pursuant to an order, approved October 19, 1935, by the Secretary of the Interior, the attached constitution and by-laws were submitted for ratification to the members of the Blackfeet Tribe of the Blackfeet Reservation and were on November 13, 1935, duly accepted by a vote of 884 for and 157 against in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 14, 1935 (Pub., No. 174, 74th Cong.).

JOSEPH W. BROWN,
Chairman of Election Board.

JOSEPH W. BROWN,
Chairman of Blackfeet Tribal Business Council.

LEO M. KENNERLY,
Secretary.

WARREN L. O'HARA,
Superintendent.

***

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Blackfeet Tribe of the Blackfeet Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or by-laws are hereby declared inapplicable to the Blackfeet Tribe of the Blackfeet Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended.

A. C. MONAH[illegible]N,
Acting Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

WASHINGTON, D.C., December 13, 1935.

[SEAL]

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AMENDMENTS -- CONSTITUTION AND BY-LAWS OF THE BLACKFEET TRIBE OF THE BLACKFEET INDIAN RESERVATION, MONTANA

AMENDMENT I

That Section 2 of Article III shall be amended by striking therefrom lines 5, 6, 7, and 8, and inserting in lieu thereof the following:

There shall be three councilmen selected from the residents of the Old Agency district.

There shall be three councilmen selected from the residents of the Heart Butte district.

There shall be three councilmen selected from the residents of the Seville district.

There shall be four councilmen selected from the residents of the Agency district.

The election of all councilmen shall be submitted to the entire electorate of the reservation; provided that no one shall be elected as a councilmen who has not resided in the district from which he is a candidate six months next preceding the time when he shall become a candidate for such office.

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the foregoing amendment, amending Section 2 of Article III of the Constitution and By-laws of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana.

Approval recommended.

WILLIAM ZIMMERMAN, JR.
Assistant Commissioner.

OSCAR L. CHAPMAN,
Assistant Secretary.

WASHINGTON, D.C., January 18, 1946.

[SEAL]

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CERTIFICATION OF ADOPTION

Pursuant to an order approved November 27, 1945, by the Assistant Secretary of the Interior, the foregoing amendment I to the Constitution and By-laws of the Blackfeet Tribe of the Blackfeet Reservation, Montana, was submitted for ratification to the qualified voters of the Reservation, and on November 30, 1945, was duly ratified by a vote of 515 for, and 305 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

JOSEPH W. BROWN,
Chairman, Blackfeet Tribal Business Council.

GEORGE PAMBRUN,
Secretary, Blackfeet Tribal Business Council.

F. H. McBRIDE,
Superintendent, Blackfeet Agency.

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AMENDMENT II

Section 1 of Article IV shall be amended by deleting everything after the first sentence and substituting in lieu thereof the following:

"Members of the Tribal Council shall be elected for a term of two (2) years by the eligible voters of the Blackfeet Tribe, except the council members elected on January 20, 1948, shall serve until July 1950. Thereafter, the terms of office of the members of the Tribal Council shall expire on the first Thursday in July of even-numbered years. Elections of council members shall be held on the third Tuesday in June of even-numbered years."

***

CERTIFICATION OF ADOPTION

Pursuant to an order approved December 30, 1947, by William E. Warne, Assistant Secretary of the Interior, the attached amendment II to the Constitution and By-laws of the Blackfeet Tribe of the Blackfeet Reservation, Montana, was submitted for ratification to the qualified voters of the Reservation, and on January 20, 1948, was duly adopted by a vote of 1020 for, and 236 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

HENRY MAGEE,
Chairman, Blackfeet Tribal Business Council.

PETER VIELLE,
Secretary, Blackfeet Tribal BusinessCouncil.

APPROVAL

I, William E. Warne, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached amendment II, amending Section 1 of Article IV of the Constitution of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana.

Approval recommended: May 12, 1950.

D. S. MYER,
Commissioner of Indian Affairs.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.
[SEAL]

WASHINGTON, D.C., May 24, 1950.

AMENDMENT III

Amendment III was, inadvertently, not included in materials sent from the Blackfeet Indian Agency.

AMENDMENT IV

Article III, Section 2 of the Constitution shall be amended by striking all of Section 2 and Amendment I, and substituting in lieu thereof the following:

"SEC. 2. The Blackfeet Tribal Business Council shall consist of nine (9) members duly elected from the four (4) districts of the Blackfeet Indian Reservation, which are designated as follows: Browning District, Heart Butte District, Old Agency District, and Seville District.

There shall be three (3) councilmen elected from the residents of the Browning District. There shall be two (2) councilmen elected from the residents of the Heart Butte District. There shall be two (2) councilmen elected from the residents of the Old Agency District. There shall be two (2) councilmen elected from the residents of the Seville District.

The election of all councilmen shall be submitted to the entire electorate of the reservation, provided that no one shall be elected as a councilman who has not resided in the district from which he or she is a candidate at least six (6) months preceding the time when he or she shall become a candidate for such office."

Article V, Section 2 of the Constitution shall be amended by striking all of Section 2 and substituting in lieu thereof the following, and further amended by adding Section 3 below:

"SEC. 2. The Blackfeet Tribal Business Council may expire a member for cause by two-thirds (2/3) or more members of the entire Blackfeet Tribal Business Council voting for expulsion. Before any vote for expulsion is taken on the matter, such member shall be given an opportunity to answer any and all charges at a designated council meeting, and the decision of the Blackfeet Tribal Business Council shall be final.

"SEC. 3. Any member of the Blackfeet Tribe who has ever been convicted of a felony in any court for which he has not received a pardon or a restoration of civil rights shall be ineligible for office and any tribal council member or other tribal officer found guilty by the Blackfeet Tribal Business Council of gross neglect of duty, misconduct reflecting on the dignity of the tribe or Blackfeet Tribal Business Council, habitual drunkenness, or repeated unexcused absences from official functions shall be expelled from office and shall be barred from holding any tribal office for the next succeeding term."

***

CERTIFICATION OF ADOPTION

Pursuant to an order approved April 22, 1964, by the Assistant Secretary of the Interior, the attached Amendment IV to the Constitution and By-laws of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, was submitted for ratification to the qualified voters of the reservation, and was on June 30, 1964, duly adopted by a vote of 1195 for, and 309 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

WALTER S. WETZEL
Chairman, Blackfeet Tribal Business Council.

FRANKLIN D. TROMBLEY
Secretary, Blackfeet Tribal Business Council.

WILLIAM W. GRISSOM - July 3, 1964
Superintendent, Blackfeet Agency

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APPROVAL

I, John A. Carver, Jr., Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment IV to the Constitution and By-laws of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana.

Approval recommended:

JOHN O. CROW
Acting Commissioner
Bureau of Indian Affairs

JOHN A. CARVER, JR.
Assistant Secretary of the Interior.

WASHINGTON, D.C.

[SEAL]

Date: August 3, 1964

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AMENDMENT V

Article VII, Section 12 of the Constitution shall be amended by deleting all of Section 12 and substituting in lieu thereof the following:

"SEC. 12. Purchase of Land by Tribe.—Tribal funds may be used to acquire land under the following circumstances:

(a) Patent in fee land within or adjacent to the boundaries of the Blackfeet Indian Reservation may be purchased either with funds under the control of the Blackfeet Tribal Business Council or, if the Secretary of the Interior so consents, with other tribal funds.

(b) Restricted or trust land, including land in heirship status, may, with the consent of the owner, be purchased with funds under the control of the Blackfeet

Tribal Business Council or, if the Secretary of the Interior so consents, with other tribal funds, under such terms as may be agreed upon, and restricted or trust title taken."

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CERTIFICATION OF ADOPTION

Pursuant to an order approved April 22, 1964, by the Assistant Secretary of the Interior, the attached Amendment V to the Constitution and By-laws of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, was submitted for ratification to the qualified voters of the reservation, and was on June 30, 1964, duly adopted by a vote of 1001 for, and 442 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

WALTER S. WETZEL
Chairman, Blackfeet Tribal Business Council.

FRANKLIN D. TROMBLEY
Secretary, Blackfeet Tribal Business Council.

WILLIAM W. GRISSOM - July 3, 1964
Superintendent, Blackfeet Agency.

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APPROVAL

I, John A. Carver, Jr., Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment V to the Constitution and Bylaws of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana.

Approval recommended:

JOHN O. CROW
Acting Commissioner
Bureau of Indian Affairs

JOHN A. CARVER, JR.
Assistant Secretary of the Interior

[SEAL]

WASHINGTON, D.C.

Date: August 3, 1964

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AMENDMENT VI

Article VI, Section 1, Subsection (g) of the Constitution shall be amended by striking all of Subsection (g) and substituting in lieu thereof the following:

"SECTION 1. Enumerated Powers.

(g) To manage tribal affairs in an acceptable and businesslike manner and in accordance with the administrative plan, called the Plan of Operations, and by amendments as necessary, subject to approval by the Secretary of the Interior or his duly authorized representative. All salaries or remuneration shall be paid as set forth in the Plan of Operations. The tribe shall pay only for services officially authorized in the administrative plan and actually received. The amount shall be a matter of public record."

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CERTIFICATION OF ADOPTION

Pursuant to an order approved April 22, 1964, by the Assistant Secretary of the Interior, the attached Amendment VI to the Constitution and Bylaws of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, was submitted for ratification to the qualified voters of the reservation, and was on June 30, 1964, duly adopted by a vote of 1099 for, and 337 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

WALTER S. WETZEL
Chairman, Blackfeet Tribal Business Council.

FRANKLIN D. TROMBLEY
Secretary, Blackfeet Tribal Business Council.

WILLIAM W. GRISSOM - July 3, 1964
Superintendent, Blackfeet Agency.

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APPROVAL

I, John A. Carver, Jr., Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment VI to the Constitution and Bylaws of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana.

Approval recommended:

JOHN O. CROW
Acting Commissioner
Bureau of Indian Affairs

JOHN A. CARVER, JR.
Assistant Secretary of the Interior

WASHINGTON, D.C.

[SEAL]

Date: August 3, 1964

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AMENDMENT VII

Article V of the Bylaws shall be amended by striking all of Article V and substituting in lieu thereof the following:

"ARTICLE V — MEETINGS AND PROCEDURES

SECTION 1. A regular Blackfeet Tribal Business Council meeting shall be called on the first Thursday of each month, and special meetings may be called by the Chairman of the Blackfeet Tribal Business Council at such times as are deemed necessary. Meetings will be held at the Tribal Headquarters in Browning, Montana. Regular Blackfeet Tribal Business Council meetings will be open to the public and from time to time the public will be invited to participate in the discussion of matters of importance to the tribe.

SEC. 2. Two-thirds (2/3) of the members of the entire Blackfeet Tribal Business Council must be present to constitute a quorum to legally transact the business of the Blackfeet Tribal Business Council.

SEC. 3. All decisions shall be by a majority vote of the Blackfeet Tribal Business Council members at meetings at which a quorum is present; with the exceptions that a two-thirds (2/3) vote of the entire Blackfeet Tribal Business Council shall be necessary to rescind any former action of the Blackfeet Tribal Business Council, and that this section shall not supersede any article in this Constitution that requires a vote in conflict with this amendment."

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CERTIFICATION OF ADOPTION

Pursuant to an order approved April 22, 1964, by the Assistant Secretary of the Interior, the attached Amendment VII to the Constitution and Bylaws of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, was submitted for ratification to the qualified voters of the reservation, and was on June 30, 1964, duly adopted by a vote of 1129 for, and 284 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

WALTER S. WETZEL
Chairman, Blackfeet Tribal Business Council.

FRANKLIN D. TROMBLEY
Secretary, Blackfeet Tribal Business Council.

WILLIAM W. GRISSOM - July 3, 1964
Superintendent, Blackfeet Agency.

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APPROVAL

I, John A. Carver, Jr., Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment VII to the Constitution and Bylaws of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana.

Approval recommended:

JOHN O. CROW
Acting Commissioner
Bureau of Indian Affairs

JOHN A. CARVER, JR.
Assistant Secretary of the Interior

[SEAL]

WASHINGTON, D.C.

Date: August 3, 1964.

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CORPORATE CHARTER OF THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION, MONTANA

Ratified July 25, 1936

Whereas, the Chippewa Cree Tribe of the Rocky Boy's Reservation in Montana, a recognized Indian tribe organized under a constitution and by-laws ratified by the Tribe on November 2, 1934, and approved by the Secretary of the Interior on November 23, 1935, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934, (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Chippewa Cree Tribe of the Rocky Boy's Reservation to be effective from and after such time as it may be ratified by a majority vote in an election at which at least thirty per cent of the adult Indians living on the reservation shall vote.

1. Corporate Existence and Purposes. In order to further the economic development of the Chippewa Cree Tribe of the Rocky Boy's Reservation in Montana by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Chippewa Cree Tribe of the Rocky Boy's Reservation."

2. Perpetual Succession. The Chippewa Cree Tribe of the Rocky Boy's Reservation shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Chippewa Cree Tribe of the Rocky Boy's Reservation shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Business Committee of the Chippewa Cree Tribe, established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Tribal Constitution and By-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land, or interests in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the Tribe within the boundaries of the Rocky Boy's Reservation.

(2) No mortgage may be made by the Tribe of any standing timber on any land now or hereafter held by the Tribe within the boundaries of the Rocky Boy's Reservation.

(3) No leases, permits (which terms shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Rocky Boy's Reservation shall be made by the Tribe for a longer term than ten years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, water power leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(4) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Rocky Boy's Reservation.

All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violations of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934, (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe: Provided, That the amount of indebtedness to which the Tribe may subject itself, other than indebtedness to the Indian Credit Fund, shall not exceed $50,000.00, except with the express approval of the Secretary of the Interior.

(d) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(e) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this character, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Montana including agreements with the State of Montana for the rendition of public services: Provided, That any contract involving payment of money by the corporation in excess of $3,000.00 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(f) To pledge or assign chattels or future tribal income due or to become due to the Tribe: Provided, That such agreements of pledge or assignment, other than an agreement with the United States, shall not extend more than 10 years from the date of execution and shall not cover more than one-fourth the net tribal income in any one year: And Provided further, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.

(h) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(i) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon the request of the Business Committee for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) (3), 5 (c), 5 (e), 5 (f), 5 (g), and Section 8 of this charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the Tribe for referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least thirty per cent of the adult members of the Tribe residing on the reservation shall vote. If at any time after five years from the effective date of this charter, such request shall be made and the Secretary shall disapprove it or fail to approve or disapprove it within ninety days after its receipt the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Business Committee, to popular referendum of the adult members of the Tribe actually living within the reservation and if the termination is approved by two-thirds of the eligible voters, shall be effective.

7. Corporate Property. No property rights of the Chippewa Cree Tribe, as heretofore constituted, shall be in any way impaired by anything contained in this charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Tribe may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, all profits of corporate enterprises or income over and above sums necessary to defray corporate obligations and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. No such distribution of profits or income in any one year amounting to more than $20.00 shall be made without the approval of the Secretary of the Interior. No distribution of the financial assets of the Tribe shall be made except as provided herein or as authorized by Congress.

9. Amendments. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Business Committee, which, if approved by the Secretary of the Interior, to be effective shall be ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

10. Ratification. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Chippewa Cree Tribe living on the Rocky Boy's Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Rocky Boy's Agency and the Chairman of the Business Committee, of the Chippewa Cree Tribe.

Submitted by the Secretary of the Interior for ratification by the Chippewa Cree Tribe of the Rocky Boy's Reservation in a popular referendum to be held on July 22, 1936.

HAROLD ICKES,
Secretary of the Interior.

WASHINGTON, D.C., July 18, 1936.

[SEAL]

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CERTIFICATION

It is hereby certified that the Charter of Incorporation, issued to the Chippewa Cree Tribe of the Rocky Boy's Reservation, in Montana, by the Secretary of the Interior under date of July 18, 1936, was duly ratified at an election held July 25, 1936, at which more than thirty per cent of the eligible voters of the Rocky Boy's Reservation voted (the vote being 161 for ratification and 5 against; the number of eligible voters being 270).

DAN SANGREY,
Chairman, Business Committee.

EARL WOOLDRIDGE,
Superintendent, Rocky Boy's Agency, Montana.

Dated this 27th day of July, 1936, at Rocky Boy, Montana.

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CONSTITUTION AND BY-LAWS OF THE CHIPPEWA CREE INDIANS OF THE ROCKY BOY'S RESERVATION, MONTANA

Approved November 23, 1935

PREAMBLE

We, the original and adopted members of the Rocky Boy's Band of Chippewas enrolled upon the Rocky Boy's Reservation in the State of Montana, in order to exercise our rights to self-government, to administer all tribal affairs to the best advantage of the individual members, and to preserve and increase our tribal resources, do ordain and establish this Constitution of the Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana.

ARTICLE I — TERRITORY

The jurisdiction of the Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana, shall extend to the territory within the Rocky Boy's Reservation as established by act of September 7, 1916 (39 Stat. 739), amending the act of February 11, 1915 (38 Stat. 807), in the State of Montana, and to such lands as have been or may hereafter be acquired and added to the Reservation by law.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Chippewa Cree Tribe shall consist as follows:

(a) All members of the Rocky Boy's Band of Chippewas enrolled as of June 1, 1934.

(b) All children born to any member of the Chippewa Cree Tribe of the Rocky Boy's Reservation who is a resident of the reservation at the time of the birth of said children.

(c) All children of one-half or more Indian blood born to a nonresident member of the tribe.

(d) Any person shall lose his membership if after the adoption of this Constitution he is away from the reservation for a period of ten years unless within that period he applies to the Business Committee for extension of his membership and the Business Committee acts favorably upon such application. Any extension of membership shall be construed to include all absentee children of such member. Likewise, loss of membership by the parent shall be construed to include loss of membership by his absentee children.

SEC. 2. Any Indian, one-half blood or more and a resident of Montana, not a member of any other reservation, may become a member of this organization provided that two-thirds or more of the eligible voters cast their ballots at such election, and provided further that two-thirds of those voting at such election vote in favor of such adoption. All elections to membership shall be confirmed by the Secretary of the Interior.

ARTICLE III — ORGANIZATION OF GOVERNING BODY

SECTION 1. The governing body of the Chippewa Cree Tribe shall be known as the "Business Committee."

SEC. 2. The Business Committee shall consist of nine members, who shall be known as "Representatives" and chosen from the districts which they represent.

SEC. 3. The electoral districts and the representation of each are designated as follows:

Sangrey ------------------------------ 2 representatives.
Haystack ----------------------------- 2 representatives.
Parker ------------------------------- 2 representatives.
Duck Creek --------------------------- 1 representative.
Sandy Creek -------------------------- 1 representative.

There shall also be a representative from the reservation at large.

The present Business Committee shall designate the boundaries of each district prior to the election of the first Business Committee as provided in this Constitution, and the Business Committee hereafter shall have the authority to change the boundaries of the districts provided that any such change in districts shall be subject to approval of the voters at the annual election.

SEC. 4. The Business Committee so organized shall elect from within its own number (1) a Chairman, and from within or outside of its own number (2) Secretary, (3) Treasurer, and (4) such other officers and committees as may be deemed necessary. The Business Committee shall determine the term of office for each of these officials and for any other officials or committees that may be appointed.

SEC. 5. The first election of representatives shall be held within 30 days after ratification of this Constitution and approval thereof by the Secretary of the Interior, and shall be called and supervised by the Superintendent of the reservation.

SEC. 6. The term of office of each representative shall be two years, except, at the first election, the term of one of the two representatives from the Sangrey, Haystack, and Parker districts, and the representative of the Duck Creek District shall expire 14 days after the first annual election held as provided hereafter, and the term of the remaining representatives shall expire 14 days after the second annual election; and thereafter, the term of each representative shall be two years from the date of entrance in office.

Of the representatives from the Sangrey, Haystack, and Parker districts elected at the first election, those receiving the highest votes shall serve 2-year terms and those receiving second highest votes shall serve 1-year terms, unless prior to the first election the present Rocky Boy's Tribal Council shall establish some alternative manner of allotting the different terms of office.

SEC. 7. The general election of representatives to the Business Committee shall be held annually on the last Saturday in June.

SEC. 8. Representatives may receive not to exceed $3 per diem while attending business meetings paid from available tribal funds within the exclusive control of the Business Committee or funds raised by tribal taxation.

ARTICLE IV — ELECTIONS AND NOMINATIONS

SECTION 1. Any resident member twenty-one years of age at the time of election shall be eligible to vote at any general election.

SEC. 2. General elections of district representatives shall be by districts, and the Business Committee shall designate the polling places for each district.

SEC. 3. All voting shall be by secret ballot.

SEC. 4. Members to be eligible for office of representatives must have the following qualifications:

District Representative must be a member (man or woman) who has resided two years on his or her selection or the selection of his wife or her husband and within the District two years immediately prior to election and must be at least 25 years of age. The Representative at Large must be a member at least 65 years of age.

SEC. 5. Any man or woman eligible to become a member of the Business Committee who wishes to run for office shall register with the Secretary of the Business Committee as a candidate fifteen days before date of election, and a list of candidates shall be posted in each district.

SEC. 6. Each district shall elect its district representatives and the reservation as a whole shall elect the Representative at Large.

SEC. 7. The candidate receiving the largest number of votes shall be elected.

SEC. 8. Elected representatives shall enter office fourteen days from the date of the general election.

SEC. 9. All elections shall be held in accordance with the rules and regulations laid down by the Business Committee.

SEC. 10. The Business Committee shall be the sole judge of the qualifications of its members.

ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a representative or official shall die, resign, permanently leave the reservation, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State, or Federal Court, the Business Committee shall declare the position vacant and shall call a district special election to fill such vacancy.

SEC. 2. The Business Committee may by an affirmative vote of six members expel any member for neglect of duty or gross misconduct provided that the accused member shall be given full and fair opportunity to reply to any and all charges at a designated Committee meeting. It is further stipulated that any such member shall be given a written statement of the charges against him at least five days before the meeting at which he is to appear.

ARTICLE VI — POWERS OF THE COMMITTEE

SECTION 1. The Business Committee of the Chippewa Cree Tribe of the Rocky Boy's

Reservation shall exercise the following powers subject to any limitations imposed by the Statutes or the Constitution of the United States, and subject to all express restrictions upon such powers contained in this Constitution and the attached Bylaws.

(a) To negotiate with the Federal, State, and local Governments on behalf of the tribe and to advise and consult with representatives of the Interior Department on all activities of the Department that may affect the Rocky Boy's Reservation.

(b) To employ legal counsel for the protection and advancement of the Chippewa Cree Tribe and its members, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets, including oil, gas, and minerals, which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other official or agency of Government, provided that no tribal lands shall ever be sold, encumbered, or leased for a period exceeding five years, except for Governmental purposes.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Rocky Boy's Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To approve applications for selections of land in conformity with Article VI of this Constitution.

(f) To manage all economic affairs and enterprises of the Chippewa Cree Tribe, including tribal lands, tribal timber, tribal saw mill, tribal flour mill, tribal community store, and any other tribal activities, in accordance with the terms of a charter which may be issued to the tribe by the Secretary of the Interior.

(g) To charter subordinate organizations for economic purposes and regulate the activities of all cooperative associations of members of the Chippewa Cree Tribe.

(h) To appropriate for public purposes of the Reservation any available tribal funds, provided that any such appropriation made prior to July 1, 1940, shall be subject to review by the Secretary of the Interior.

(i) To levy taxes upon members of the Chippewa Cree Tribe and to require the performance of community labor in lieu thereof, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon nonmembers doing business within the reservation.

(j) To exclude from the restricted lands of the Rocky Boy's Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior.

(k) To enact resolutions or ordinances not inconsistent with Article I of this Constitution governing adopting and abandonment of membership.

(l) To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior governing the conduct of members of the Rocky Boy's Reservation and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.

(m) To administer all estates and determine heirs in accordance with ordinances of the tribe which shall be subject to the approval of the Secretary of the Interior.

(n) To encourage and foster the arts, crafts, culture, and traditions of the Chippewa Cree Tribe.

(o) To acquire and use for public purposes any part of a selection provided that adequate compensation is paid by the Business Committee to the holder of such selection.

(p)To regulate the domestic relations of members of the tribe.

(q) To provide for the appointment of guardians for minors and mental incompetents by ordinances or resolutions subject to approval of the Secretary of the Interior.

(r) To make rules and regulations governing all elections provided for in this Constitution.

(s) To adopt ordinances governing hunting and fishing within the confines of the reservation.

(t) To delegate to subordinate boards or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

SEC. 2. Manner of Review.—Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation, who shall, within ten (10) days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Business Committee of such decision.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten (10) days after its enactment, he shall advise the Business Committee of the Rocky Boy's Reservation of his reasons therefor. If these reasons appear to the Business Committee insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. Future Powers.—The Business Committee of the Rocky Boy's Reservation may exercise such further powers as may in the future be delegated to the Business Committee by the members of the Tribe, the Secretary of the Interior, or by any other duly authorized official or agency of government.

SEC. 4. Reserved Powers.—Any rights and powers heretofore vested in the tribe or band of the Rocky Boy's Reservation but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Rocky Boy's Reservation through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE VII — POPULAR PARTICIPATION IN GOVERNMENT

SECTION 1. All regular meetings of the Business Committee shall be open to the public, but visitors may not interfere with proceedings, and may only speak with the consent of the Chairman.

SEC. 2. All resolutions and ordinances of the Business Committee shall be placed in writing and posted in public places, and copies shall also be placed with each representative.

ARTICLE VIII — REFERENDUM

SECTION 1. Upon a petition of at least one-half of the eligible voters of the Chippewa Cree Tribe or upon the request of a majority of the members of the Business Committee, any enacted or proposed ordinance or resolution of the Business Committee shall be submitted to popular referendum, and the vote of a majority of the qualified voters in such referendum shall be conclusive and binding on the Committee, provided three-fourths or more of the eligible voters participate in such referendum.

ARTICLE IX — TRIBAL LANDS

SECTION 1. No lands now within the reservation boundary, held in trust for the tribe, may be alienated nor may title pass to any individual.

SEC. 2. Any head of a family who is a member shall be entitled to the use of not more than 160 acres of land, such land to be known as "a selection."

SEC. 3. Applications for selections shall be presented in writing to the Business Committee.

SEC. 4. The applicant shall be investigated by the Business Committee before action may be taken on his application.

SEC. 5. The applicant upon approval of application shall reside upon selection and do a reasonable amount of improvement for two years before selection is finally approved.

SEC. 6. All selections approved by the Superintendent of the reservation at the time of the approval of this Constitution shall remain in effect.

SEC. 7. If any man has allowed his selection to run down, and has made no effort to keep up improvements and make a reasonable use of his land, the Business Committee shall have the right to cancel his selection after due hearing, and to reassign his land to an eligible member of the tribe provided that such member shall pay to the former occupant of the land the value of all his improvements as determined by an appraisal board appointed by the Business Committee. This valuation of the board shall be subject to review and modification by the Business Committee upon appeal by the man who loses his selection. The Business Committee may allow the man to remain in his house without the use of the land and reassign the land to any other eligible member.

SEC. 8. Tribal lands not assigned as selections may be used in common for grazing purposes by all members in accordance with ordinances or resolutions enacted by the Business Committee, or may be leased by the Business Committee with the approval of the Secretary of the Interior in accordance with law. Preference shall be given, first, to Indian cooperative associations, and, secondly, to individual Indians who are members of the Chippewa Cree Tribe. No lease of tribal lands to a nonmember shall be made by the Business Committee unless it shall appear that no Indian cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use, provided no individual member of the tribe or cooperative association shall be given any preference as to the use of tribal land unless the stock of such individual member or association is restricted stock and bears the ID brand.

SEC. 9. Improvements of any character made upon selections may be willed to and inherited by members of the Chippewa Cree Tribe. When improvements are not possible of fair division, the Business Committee shall dispose of them under such regulations as it may provide. No permanent improvements may be removed from any land without the consent of the Business Committee.

ARTICLE X — AMENDMENTS

SECTION 1. This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon presentation of a petition signed by two-thirds of the eligible voters of the tribe.

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BY-LAWS

SECTION 1. Organization of Business Committee and Duties of Officers:

(a) The officers of the Business Committee shall be the Chairman, Secretary, and Treasurer, and such other officers as may be hereafter designated by the Business Committee.

(b) The Chairman, Secretary, and Treasurer shall be elected by the Business Committee upon nomination and by secret ballot.

(c) The Superintendent of the reservation shall preside at the first meeting of the Business Committee until the Chairman has been elected and installed.

(d) The Superintendent of the reservation shall administer the Oath of Office to all representatives.

(e) In the absence of any officer at a meeting, the Business Committee shall elect a temporary officer for that meeting.

(f) The Chairman of the Committee shall preside over all meetings of the Committee, shall perform all duties of a Chairman and exercise any authority delegated to him by the Committee. He shall only vote in case of a tie.

(g) The Secretary of the Business Committee shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at the business meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction and the Commissioner of Indian Affairs copies of all minutes of regular and special meetings of the Business Committee.

It shall be his duty to have the minutes permanently bound and ready for inspection at all times. It shall also be his duty to receive all petitions, applications, and other business papers and prepare same for presentation to the Business Committee.

(h) The Treasurer of the Business Committee shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the Committee whether same be tribal funds or special funds for which the Committee is acting as trustee or custodian. Checks and drafts shall be made to Treasurer, Business Committee, and shall be endorsed for deposit only. He shall deposit all such funds in a bank or elsewhere as directed by the Committee and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, such report being made in writing to the Committee at regular meetings and at such other times as requested by the Committee.

He shall not pay out or otherwise disburse any funds in his possession or custody or in the possession or custody of the Business Committee except when properly authorized so to do by resolution duly passed by the Committee.

All checks shall be signed by the Treasurer and countersigned by the Secretary, and all checks issued prior to July 1, 1940, shall be approved by the Superintendent of the Reservation.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Committee and at such other times as the Committee or the Commissioner of Indian Affairs may direct. The Treasurer shall be required to give a surety bond satisfactory to the Committee and the Commissioner of Indian Affairs. The Treasurer shall be present at all special or regular meetings of the Committee.

SEC. 2. Meetings.—

(a) The Business Committee shall hold regular meetings for business on the last Friday of each month, at nine a.m., at the office of the Rocky Boy's Agency.

(b) Special meetings may be called at any time by the Chairman upon ten hours written notice delivered to representatives.

(c) A quorum of seven representatives shall be present at any meeting before the Business Committee may be officially called to order. Only representatives shall have the right to vote.

(d) In case of the absence of the Chairman, the Secretary shall act until a temporary Chairman has been elected.

SEC. 3. Order of Business.—

(a) Roll call.
(b) Reading of the minutes of previous meeting.
(c) Treasurer to report business transactions.

(d) Secretary to present any bills, requisitions, claims, etc.
(e) Hearing of applications, petitions, complaints, and other business properly coming before the Committee.
(f) Any other business.
(g) Adjournment.

SEC. 4. Manner of Placing Business before Committee.—

(a) District representatives shall receive all applications, petitions, complaints, etc., which must be in written form, originating in their district, and shall, wherever possible, file same ten days before the next meeting with the Secretary.

(b) No official action may be taken on any business except as it shall go through the prescribed channels.

SEC. 5. Procedure for Adoption of Constitution and Bylaws.—

(a) This Constitution and Bylaws attached hereto shall be in full force and effect whenever a majority of the adult voters of Rocky Boy's Band of Chippewas voting at an election called by the Secretary of the Interior in which at least thirty percent (30%) of the eligible voters shall vote, shall have ratified such Constitution and Bylaws and the Secretary of the Interior shall have approved same, as provided in Act of June 18, 1934, as amended by the Act of June 15, 1935.

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CERTIFICATION OF ADOPTION

Pursuant to an order, approved October 18, 1935, by the Secretary of the Interior, the attached Constitution and Bylaws were submitted for ratification to the members of the Rocky Boy's Band of Chippewas of the Rocky Boy's Reservation and were on November 2, 1935, duly adopted by a vote of 128 for, and 23 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (Pub. No. 147, 74th Cong.).

JOHN PARKER,
Chairman of Election Board.

MALCOLM MITCHELL,
Chairman of Rocky Boy's
Business Committee.

JOE CORCORAN,
Secretary.

EARL WOOLDRIDGE,
Superintendent.

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APPROVAL

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Chippewa Cree Tribe of the Rocky Boy's Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or Bylaws are hereby declared inapplicable to the Chippewa Cree Tribe of Rocky Boy's Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended November 15, 1935.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

WASHINGTON, D.C.,
November 23, 1935.

[SEAL]

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CONSTITUTION AND BY-LAWS OF THE CROW TRIBE, MONTANA

(As Amended)

Approved October 8, 1966

PREAMBLE

The Crow Tribe of Indians, in an effort to enforce the respect of their basic human, constitutional and treaty rights, do hereby re-establish the Crow Tribal Council to represent, act and speak for the Crow Tribe in any and all tribal matters, and to promote the general welfare of the Crow Tribe, do adopt the following constitution and bylaws for the conduct of Crow Tribal matters in conjunction with the lawful right of the Bureau of Indian Affairs to conduct same.

ARTICLE I

The Crow Tribal Council shall be composed of the entire membership of the Crow Tribe.

ARTICLE II (Res. 62-11)

The council shall elect every two (2) years, in conformity to its rules of procedure, a Chairman, Vice-Chairman, Secretary and Vice-Secretary. The Chairman shall have no vote unless there be a tie vote before the council. The election for these officers shall be held the second Saturday of May every other year after May 12, then the first election shall be held under this constitutional change. Officials are to assume their duties July 1, after election.

ARTICLE III

Any duly enrolled member of the Crow Tribe, except as herein provided, shall be entitled to engage in the deliberations and voting of the council, provided the females are 18 years old and the males 21 years.

ARTICLE IV

All nominations for officers of the council and any other tribal matter before the council shall be by voice, standing, hand-raising or secret ballot, as the council shall elect at each of its meetings.

ARTICLE V

The Crow Tribe, through its tribal council, reserves unto itself the right to remove for cause any officer of the council, for misconduct or negligence or non-diligence in connection with the protection of the rights of the Crow Tribe in its relations with the Bureau of Indian Affairs or the local employees.

ARTICLE VI (Res. 62-11)

The Powers, Duties, and Functions of the Council:

1. The Council shall establish its own rules of procedure.

2. Meetings. There shall be regular tribal council meetings held each year on the second Saturday of January, the second Saturday of April, the second Saturday of July, and the second Saturday of October, and as many additional meetings shall be held as tribal business may require. All meetings shall be called by the Chairman and the Committee.

3. Notice of Meetings and Agendas. It shall be the duty of the Secretary, or in his absence, the Vice-Secretary of the Crow Tribal Council to give notice of all tribal council meetings of the Crow Tribe in writing for a period of at least seven days prior to each meeting date. Notices shall be posted at one public place in each district of the reservation, and at the Agency Headquarters, and, where possible, in the local newspapers and by radio broadcast. Notices in addition to the date, time and place of the meeting, shall list in numerical order the business to come before the tribal council meeting. No business shall be transacted at the meeting unless it has been included in the public notice. Copies of proposed resolutions or other business to be considered shall be furnished to the elected district representatives by the Tribal Secretary seven (7) days prior to meeting dates.

4. Items of Business. Agenda of the tribal council meeting shall include all items required by the (1) Tribal Chairman and committee, (2) Superintendent of the Crow Agency, and (3) Any petition duly signed by 100 qualified voters. All requests to the Chairman and committee for a general council meeting shall be in writing and shall clearly state the nature of the business to be presented before the general council.

5. If the Commissioner of Indian Affairs desires to present any matter to the council for its action, such request shall be presented in writing to the Chairman or the committee, who shall as herein provided, advertise such request as provided, and set the date for the council sessions.

6. Except where otherwise specified in this constitution and bylaws, decisions of the council shall be by a simple majority of the vote cast.

7. The council shall perform the duties assigned to it under this constitution and bylaws and shall have such powers in addition to those expressly conferred on it thereunder as may be necessary to achieve its effective operation and to realize its objective.

8. All matters presented and coming before the Crow Tribal Council to be voted upon by the members of the Crow Tribe shall be decided and determined by a simple majority vote.

9. There shall be a committee composed of two (2) members from each of the six districts of the Crow Reservation and two (2) members from off-the-reservation Indians elected for a term of two (2) years, in accordance with the tribal council's rules of procedure, to act an an executive committee to work with the officers under the general direction of the council. The first election of these committee members shall be held within 30 days from and after adoption of this constitutional amendment, and all subsequent elections to be held the second Saturday of the month of May at 2-year intervals on alternate years from the tribal officials election. Each district shall select its own election judges from within said district whose expenses shall be paid from tribal funds. The results of such elections shall be final and conclusive.

10. The Crow Tribe, through the Crow Tribal Council, shall have the power to levy, assess and collect taxes and license fees upon non-members of the Crow Tribe doing business within the boundaries of the Crow Indian Reservation, subject to review by the Secretary of the Interior.

ARTICLE VII

Status and Functions of the Council:

1. The Crow Tribal Council is the voice of the Crow Tribe.

2. The Crow Tribal Council is the medium, the body, the tribal organization through which the Crow Tribe speaks to the government and the general public.

3. The Council, representing the entire Crow Tribe, shall voice the opinions, wishes, sentiment, hopes and decisions in any and all tribal matters for the Crow people to the Congress and the Interior Department, by resolutions and through tribally elected delegates who shall, under instructions of the council, proceed to Washington or elsewhere to present in person such decisions and their own arguments and appeals in support thereof as the council shall direct by majority vote.

4. Subject to existing Federal law which endows the Congress with plenary powers over the Indians in their tribal state, and which in turn passes such authorities down the line to the Secretary of Interior and the Commissioner of Indian Affairs, who by regulations based upon acts of the Congress, control the management of Indian Affairs subject to constitutional limitations. The Crow Tribal Council, without legal status as such, but being the mouth piece and the voice of the Crow people, will from time to time call to the attention of the Congress its views and wishes with respect to the administration of its rights, property and affairs by the Bureau of Indian Affairs.

5. Because of existing law governing Indian administration by the Congress herein pointed out, the Crow Council admits its limited authority in the administration of its own tribal matters, but also, understanding the constitution limitations of the government in this same field, the Crow Tribal Council will sponsor all legislation with state, federal and local governments on behalf of the Crow Tribe, and will, through tribal council resolutions and elected delegates and representatives, consult with and otherwise deal with representatives of the department of the government of the United States on all matters affecting the interests of the Crow Tribe.

6. The Crow Tribal Council, which encompasses the entire membership of the Crow Tribe, so far as the Crow people are concerned, shall be supreme in determining by a majority vote of those attending, any course of action taken which is designed to protect Crow tribal interests.

7. The American system of "majority rule" used in the Congress of the United States shall prevail in the decisions of the Crow Tribal Council in regularly called and duly assembled conventions, and its majority decisions shall be conclusive and binding over the losing minority.

8. The Bureau of Indian Affairs, being a part of the United States Government,shall in no wise interfere directly or indirectly through its field representatives or agents with the deliberations or decisions of the Crow Tribal Council. The council, existing under the legal handicaps herein pointed out, belongs to the Crow Tribe only, and not the government, and as such will make its decisions without Indian Bureau in-

terference or advice, inasmuch as the Indian Bureau, under the broad powers in Indian administration conferred upon the Congress and the Indian Department by both the Congress and the courts, can and does nullify Indian tribal council actions the country over when same takes issue with its own views. However, the Crow Tribal Council, regardless of same, hereby reserved unto itself the right to initiate moves looking to the protection of Crow Tribal rights and interests under their treaties and under the American constitution guaranteeing all basic human rights to all who live under the American flag, and to the equal protection of the laws of our country.

9. The Crow Tribal Council in a duly called session will decide the manner of voting, whether by districts or in the council itself or whether by secret ballots in the districts or in the council, and on this issue the local Indian Bureau representatives will have no voice whatsoever - the council reserves this right unto itself.

10. Every member of the Crow Tribe, outside of the exception herein provided for, shall have equal opportunities to discuss any and every question of tribal concern before the council, and to participate without interference, in all votes taken upon any such questions.

ARTICLE VIII (Res. 62 - 11)

1. This Constitution and Bylaws shall be amended by a majority vote of the qualified voters of the Crow Tribe voting at an election called for that purpose by the Tribal Council, provided that no amendment shall become effective until it shall have been approved by the Commissioner of Indian Affairs or his authorized representative.

2. All eligible tribal members may vote at such duly called elections. The enactment of rules and procedure for conducting such an election shall be the responsibility of the tribal council. The tribal council shall enact an election ordinance.

ARTICLE IX (Res. 67-18)

1. The Crow Tribe through the Crow Tribal Council shall have power to establish, own, operate, maintain and engage in any business or business enterprise, either as sole owner and operator, or jointly with any person, firm or corporation, or jointly with any agency or department of the Government of the United States of America, and for the purpose of carrying out the powers herein set forth, the Crow Tribal Council is authorized and empowered to use and expend tribal funds of the Crow Tribe.

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BY-LAWS

ARTICLE I

Duties of Crow Tribal Council:

1. The Chairman of the Council shall preside over all meetings of the council, perform all duties of the Chairman and exercise any and all authority detailed by the Council, and shall be entitled to vote only in case of a tie.

2. The Vice-Chairman shall assist the Chairman when called upon so to do; in the absence of the Chairman, shall preside and when so presiding shall have all the privileges, duties, and responsibilities of the Chairman.

3. The Secretary of the Council shall forward a copy of the minutes of all the meetings to the Superintendent of the Reservation, and the Commissioner of Indian Affairs, and the Regional Director, and shall conduct all correspondence of the Council and shall keep all records and minutes of the meetings, records as to expenditures and allotment of tribal gratuitous and other funds over which the Council has sole charge.

4. The duties of all appointed special committees or officer of the Council shall be clearly defined by resolutions of the council at the time of their creation or appointment. Such committees and officers shall report from time to time as required to the Council and their activities and decisions shall be subject to review of the Council.

5. Regular and emergency meetings of the Crow Council shall be held on call of the Chairman at Crow Agency, Crow Agency, Montana.

6. No business shall be transacted unless a quorum of 100 is present.

7. Order of business:

- (a) Call to order by Chairman
- (b) Reading of minutes of last meeting
- (c) Unfinished business
- (d) Reports
- (e) New business
- (f) Adjournment

8. It shall be the duty of the Chairman of the Council to duly notice all tribal council meetings of the tribe for a period of at least seven (7) days prior to such meeting date, for decisions of the Crow Tribe affecting the sale or lease of tribal property, or of legislative matters affecting the Crow Tribe.

9. A salary is to be paid to each officer or member of the Crow Tribal Council when serving as an authorized delegate as follows:

Within the State of Montana	$10.00 per day
Outside the State of Montana, with the exception of trips to Washington, D.C.	$15.00 per day
To Washington, D.C.	$25.00 per day

In addition to the above scale of salaries a per diem is to be paid each officer or member of the Crow Tribal Council, computed in accordance with the U. S. Government Travel Regulations and in addition transportation via rail, air or personal car, whichever is administratively determined to be in the best interest of the Crow Tribe.

Approval

Resolution No. 31 adopted February 3, 1955, approved by letter to the Chairman of the Crow Tribal Council from Commissioner Glenn L. Emmons dated March 18, 1955.

ARTICLE II

Ratification of Constitution and Bylaws

This Constitution and the attached Bylaws, when adopted by a majority vote of those attending District Councils called to vote on accepting a Constitution and Bylaws shall be binding upon the Crow Tribe.

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CERTIFICATE OF ADOPTION

Pursuant to the constitutional election held on June 24, 1948, this Constitution and Bylaws of the Crow Tribal Council of Montana, was adopted by a vote of 295 for and 130 against in an election in which 425 votes were cast.

ROBERT YELLOWTAIL
Chairman, Tribal Council

GEORGE HOGAN, SR.
Secretary, Tribal Council

L. C. LIPPERT, Crow Agency

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APPROVAL

This Constitution and Bylaws, having been proposed and ratified by the members of the Crow Tribe on June 24, 1948, at a referendum, is herewith approved.

WILLIAM ZIMMERMAN, JR.
Assistant Commissioner

WASHINGTON, D.C., May 23, 1949

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RESOLUTION NO. 62-11

A resolution of the Crow Tribal Council providing for the amendment of the Constitution of the Crow Tribal Council, by adding to and changing Art. II, Art. VII, and Art. VIII, by making certain changes by adding to and changing Art. II, Art. VI, addition sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, Art. VIII, addition sections 1, 2, and for other purposes.

WHEREAS, there has been a need for certain changes in the Crow Tribal Constitution, it is deemed to be in the best interests of the Crow Tribe that Resolutions 107, 140, 145, 223, and 152, shall be, and the same is hereby rescinded, repealed and expunged from the Crow Tribal records;

AND WHEREAS, it is evident that the rescission will enable tribal members to appoint committee members and delegates more democratically in accordance with certain existing provisions of the Crow Tribal Constitution;

NOW, THEREFORE, BE IT RESOLVED, by the Crow Tribal Council in Crow Tribal Council duly called and held this 18th day of December, 1961, that the Constitution of the Crow Tribal Council be, and hereby is amended by making the following changes in the present Crow Tribal Constitution, to-wit:

ARTICLE II

The council shall elect every two (2) years, in conformity to its rules of procedure, a Chairman, Vice-Chairman, Secretary and Vice-Secretary. The Chairman shall have no vote unless there be a tie vote before the Council. The election for these officers shall be held the second Saturday of May every other year after May 12, then the first election shall be held under this constitutional change. Officials are to assume their duties July 1, after election.

ARTICLE VI

The Powers, Duties, and Functions of the Council:

1. The Council shall establish its own rules of procedure.

2. Meetings. There shall be regular Tribal Council meetings held each year on the second Saturday of January, the second Saturday of April, the second Saturday of July, and the second Saturday of October, and as many additional meetings shall be held as tribal business may require. All meetings shall be called by the Chairman and the Committee.

3. Notice of Meetings and Agendas. It shall be the duty of the Secretary, or in his absence, the Vice-Secretary of the Crow Tribal Council to give notice of all Tribal Council meetings of the Crow Tribe in writing for a period of at least seven days prior to each meeting date. Notices shall be posted at one public place in each district of the reservation, and at the Agency Headquarters, and, where possible, in the local newspapers and by radio broadcast. Notices in addition to the date, time and place of the meetings, shall list in numerical order the business to come before the Tribal Council meeting. No business shall be transacted at the meeting unless it has been included in the public notice. Copies of the proposed resolutions or other business to be considered shall be furnished to the elected district representatives by the Tribal Secretary seven (7) days prior to meeting dates.

4. Items of Business. Agenda of the Tribal Council meeting shall include all items required by the (1) Tribal Chairman and committee, (2) Superintendent of the Crow Agency, and (3) any petition duly signed by 100 qualified voters. All requests to the Chairman and committee for a general Council meeting shall be in writing and shall clearly state the nature of the business to be presented before the General Council.

5. If the Commissioner of Indian Affairs desires to present any matter to the council for its action, such request shall be presented in writing to the Chairman or the committee, who shall as herein provided, advertise such request as provided, and set the date for the Council sessions.

6. Except where otherwise specified in this constitution and bylaws, decisions of the Council shall be by a simple majority of the vote cast.

7. The Council shall perform the duties assigned to it under this Constitution and Bylaws and shall have such powers in addition to those expressly conferred on it thereunder as may be necessary to achieve its effective operation and to realize its objective.

8. All matters presented and coming before the Crow Tribal Council to be voted up-

on by the members of the Crow Tribe shall be decided and determined by a simple majority vote.

9. There shall be a committee composed of two (2) members from each of the six districts of the Crow Reservation and two (2) members from off-the-reservation Indians elected for a term of two (2) years, in accordance with the Tribal Council's rules of procedure, to act as an executive committee to work with the officers under the general direction. The first election of these committee members shall be held within 30 days from and after adoption of this constitutional amendment, and all subsequent elections to be held the second Saturday of the month of May at 2-year intervals on alternate years from the tribal officials election. Each district shall select its own election judges from within said district whose expenses shall be paid from tribal funds. The results of such elections shall be final and conclusive.

10. The Crow Tribe, through the Crow Tribal Council, shall have the power to levy, assess and collect taxes and license fees upon non-members of the Crow Tribe doing business within the boundaries of the Crow Indian Reservation, subject to review by the Secretary of the Interior.

ARTICLE VIII

1. This Constitution and By-laws shall be amended by a majority vote of the qualified voters of the Crow Tribe voting at an election called for that purpose by the Tribal Council, provided that no amendment shall become effective until it shall have been approved by the Commissioner of Indian Affairs or his authorized representative.

2. All eligible tribal members may vote at such duly called elections. The enactment of rules and procedure for conducting such an election shall be the responsibility of the Tribal Council. The Tribal Council shall enact an election ordinance.

AND, BE IT FURTHER RESOLVED, that the above listed changes are those which the Tribal Council wishes to make in the present Crow Tribal Constitution and shall do so regardless of any or all other resolutions or provisions, and if other resolutions or constitutional changes are in conflict with the above stated rules they shall be henceforth repealed, rescinded and expunged from the records.

PASSED, ADOPTED AND APPROVED this 18th day of December, 1961, by the Crow Tribal Council at a duly assembled meeting of said council according to a notice duly given on December 11, 1961, in a duly called Council, a quorum being present at Crow Agency, Montana. Votes for 280; Votes against None.

ROGER STOPS
Chairman, Pro-Tem
Crow Tribal Council

ATTEST:

ARTHUR R. GARRIGUS
Secretary, Pro-Tem
Crow Tribal Council

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RESOLUTION NO. 67-18

BE IT RESOLVED by the Crow Tribal Council that the Constitution of the Crow Tribal Council be, and the same hereby is, amended by adding thereto, and making a part thereof Article IX which shall read as follows:

ARTICLE IX

SECTION 1. The Crow Tribe through the Crow Tribal Council shall have power to establish, own, operate, maintain and engage in any business or business enterprise, either as sole owner and operator, or jointly with any person, firm or corporation, or jointly with any agency or department of the Government of the United States of America, and for the purpose of carrying out the powers herein set forth, the Crow Tribal Council is authorized and empowered to use and expend tribal funds of the Crow Tribe.

PASSED, ADOPTED AND APPROVED this 8th day of October, 1966, by the Crow Tribal Council at a duly assembled meeting of said council according to a notice duly given on September 7, 1966, in a duly called Council, a quorum being present at Crow Agency, Montana. Votes for 138; Votes against 67.

EDISON REAL BIRD
Chairman, Crow Tribal Council

ATTEST:

JOSEPH M. TEN BEAR, JR.
Secretary, Crow Tribal Council

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C O P Y

February 14, 1962

Mr. John Cummins

Chairman, Crow Tribal Council

Dear Mr. Cummins:

This will refer to your letter of February 14, 1962, and other letters, minutes, resolutions, and opinions growing out of the Crow Tribal Council meeting on December 18, 1961, and February 2, 1962, have been presented to me for consideration.

During the December 18th meeting, the session was declared adjourned by the Chairman, but it was continued under the direction of a chairman pro tempore. The first question presented to me is whether to recognize as binding actions taken following the attempted adjournment; or whether to accept the view of the Regional Solicitor, concurred in by the Area Director, that the adjournment was ineffective and that the extended meeting was proper. If the latter view is correct, actions taken by the extended meeting may properly be recognized by the Commissioner.

As the former presiding officer of a legislative body it is distressing to me to have to resolve a question which is properly a matter for the Crow Tribe itself to decide. Furthermore, under the Crow constitution, the Tribal Council, at the time of the December 18th meeting, was empowered to amend its constitution and bylaws without necessarily making the Commissioner a party to its action. These two considerations make me reluctant to take any action which would, to me, present the appearance of assuming prerogatives that belong to the Crow Tribe itself.

Against these negative factors is the fact that the Tribe is at present displaying a desirable unity, demonstrated by the delegation now in Washington and by the tribal resolution with respect to the disposition of the judgment money.

The way of progress seems to me to be the one which has been followed by the tribe in seeking to strengthen its constitution and to provide for the wisest possible use of the judgment money. For this reason I am at this time recognizing the December 18, 1961, meeting as the extension of a properly convened session of the Crow Tribal Council. The amendments adopted at that time are recognized by me as valid amendments to the Crow tribal constitution.

This action makes it possible to receive and welcome the present delegation as representatives of the Constitution and Bylaws Committee, which has been instructed by the tribe to meet and prepare amendments and changes to the constitution and bylaws and present them to the Tribal Council within 60 days from February 2, 1962. I do so with the understanding that any ambiguities in the amendments to the constitution adopted at the meeting of December 18, 1961, and any uncertainties in their interpretation can and should be corrected in the proposed changes to the constitution and bylaws to be prepared by the aforementioned committee.

The action I am now taking is consistent with the view of the Regional Solicitor and does not infringe on the trust responsibility of the Secretary. It will aid in the movement toward a stable and fully responsive tribal government and a wise and prudently planned use of the judgment monies. If the delegation works within the framework of the amendments adopted on December 18, 1961, and within the terms of the resolution adopted on February 2, 1962, it can, together with the Bureau, clarify details within the next few days so that an exact presentation of the tribe's wishes can be made to the Secretary of the Interior.

Accordingly, this office now recognizes the validity of Resolution No. 62-11 of the Crow Tribal Council and offers to the present delegation the services of the Branch of Tribal Affairs in the preparation of further amendments to the constitution.

Cordially,

PHILLEO NASH
Commissioner of Indian Affairs

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C O P Y

December 28, 1966

Through: Area Director, Billings, Montana 59101

Mr. Otto K. Weaver

Superintendent, Crow Agency

Dear Mr. Weaver:

I am approving the amendment to the Crow tribal constitution proposed in Crow Tribal Council Resolution 67-18 and duly adopted October 8, 1966. There is now no question as to the authority of the Crow Tribe, acting through its tribal council, to engage in business activities.

My approval carries with it the understanding that the Crow Industrial Development Commission will not be the tribe's agent for carrying out the provisions of Resolution 67-18. That Commission, established through Resolution 61-33, is not authorized to establish, own, operate, or engage in any business enterprise. Its sole efforts should continue to be devoted to encouraging industrial development ventures with ownership and management vested in private organizations.

Pursuant to Article VIII, Section 1, of the Constitution and Bylaws of the Crow Tribal Council, the proposed amendment shall become effective this date and shall be incorporated in the tribal constitution as Article IX. You should advise the Crow Tribal Council accordingly.

Sincerely yours,

ROBERT BENNETT,
Commissioner

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The Crow Indian Tribe does not operate under a federal charter.

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CORPORATE CHARTER OF THE FORT BELKNAP INDIAN COMMUNITY, MONTANA

[GROS VENTRE AND ASSINIBOINE]

Ratified August 25, 1937

Whereas, the Fort Belknap Indian Community of the Fort Belknap Reservation in Montana constitutes a recognized Indian Community organized under a constitution and by-laws ratified by the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Reservation on October 19, 1935, and approved by the Secretary of the Interior on December 13, 1935, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult Indians on the Fort Belknap Indian Reservation who are members of the Gros Ventre and Assiniboine Tribes have petitioned that a charter of incorporation be granted to such community, subject to ratification by vote of said Indians living on said reservation;

Now, therefore, I, Charles West, Acting Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Fort Belknap Indian Community of the Fort Belknap Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation, at an election in which at least thirty per cent of the eligible voters vote.

1. Corporate Existence. In order to further the economic development of the Fort Belknap Indian Community of the Fort Belknap Reservation in Montana by conferring upon the said community certain corporate rights, powers, privileges and immunities; to secure for the members of the Community an assured economic independence; and to provide for the proper exercise by the Community of various functions heretofore performed by the Department of the Interior, the aforesaid community is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Fort Belknap Indian Community."

2. Perpetual Succession. The Fort Belknap Indian Community shall, as a Federal corporation, have perpetual succession.

3. Membership [as Amended]. The Fort Belknap Indian Community shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Community, as provided by its duly ratified and approved Constitution and By-laws, as amended.

4. Membership [as Amended]. The Fort Belknap Community Council consisting of six (6) members of the Gros Ventre Tribe of Indians and six (6) members of the Assiniboine Tribe of Indians of the Fort Belknap Indian Reservation, elected by all the electors of the Community, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Community, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of

the said community, or in this Charter, shall have the following corporate powers:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Community of any land, or interests in land, now of hereafter held by the Community.

(2) No leases, permits (which terms shall not include land assignments to members of the Community) or timber sale contracts covering any land or interests in land now or hereafter held by the Community within the boundaries of the Fort Belknap Reservation shall be made by the Community for a longer term than ten years, and all such leases, permits, or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, mineral leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(3) No action shall be taken by or in behalf of the Community which conflicts with regulations authorized by Section 6 of the Act of June 18, 1934, or in any way operates to destroy or injure the Community grazing lands, timber, or other natural resources of the Fort Belknap Reservation.

(c) To issue interests in corporate property in exchange for restricted Indian lands.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934, (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Community, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Community; Provided, That the amount of indebtedness to which the Community may subject itself, aside from loans from the Indian Credit Fund, shall not exceed $2,500, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Community or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Montana, including agreements with the State of Montana for the rendition of public services: Provided, That any contracts, other than contracts with the United States, involving payment of money by the corporation totalling in excess of $2,000 during any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge or assign chattels or future income due or to become due to the Community under any notes, leases, or other contracts, or from any other source, whether or not such notes, leases, or contracts are in existence at the time: Provided, That such agreements of assignment, other than agreements with the United States, shall not extend more than ten years from the date of execution and shall not cover more than one half the income from any source: And provided further, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded Disbursing Officer of the United States to the credit of the community.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Community or by the United States to the levy of any judgment, lien or attachment upon the property of the Community other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon the request of the Community Council of the Fort Belknap Indian Community for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5(b)(2), 5(d), 5(f), 5(g), 5 (h), and Section 8 of this Charter, the Secretary of the Interior, if he deems it wise and expedient to do so, shall thereupon submit the question of such termination or grant for ratification by the Community. If the Secretary of the Interior shall approve such termination it shall be effective upon ratification by a majority vote of the adult members of the Community residing on the reservation, at an election in which at least 30 per cent of the eligible voters vote. If the Secretary shall disapprove such termination, or fail to approve or disapprove it within 90 days after its receipt, it may then be submitted by the Secretary or by the Community Council to popular referendum of the adult members of the Community actually living within the reservation, and if approved by two-thirds of the eligible voters shall be effective.

7. Tribal Rights and Claims. (a) Property rights and present and future claims of the Gros Ventre and Assiniboine Tribes of Indians who have entered into a partnership to form the Fort Belknap Indian Community for the management of their joint affairs, shall not be in any way impaired by anything contained in this Charter, or in the Constitution and By-laws of the Fort Belknap Indian Community.

(b) Nothing in this Charter, or in the Constitution and By-laws of the Fort Belknap Indian Community shall constitute a release or waiver or shall in any way impair any present or future claims of the Gros Ventre Tribe of Indians of the Fort Belknap Indian Reservation, or of the Assiniboine Tribe of Indians of the Fort Belknap Indian Reservation, against the United States, against each other, or against any other tribe or tribes of Indians.

(c) The tribal unallotted lands of the Fort Belknap Indian Reservation are hereby vested in the Fort Belknap Indian Community, subject however to the restrictions contained in Section 7, paragraph (b) of this Charter.

(d) The Gros Ventre members of the Community Council and the Assiniboine members of the Community Council shall each have sole and exclusive jurisdiction over all matters concerning the exclusive property rights and present and future claims of each of their said tribes, and shall transact the exclusive business policy and administrative affairs of their respective tribes, and shall exercise their said several powers to the same extent and for the same purposes as exercised by each of said tribal councils prior to the ratification of the Fort Belknap Indian Community Constitution and By-laws and the granting of this Charter.

(e) That the administration of moneys borrowed by the Fort Belknap Indian Community and reloaned to members of the community or associations of such members shall be under the jurisdiction of two sub-committees of the council, one consisting only of Gros Ventre councilmen to administer all loans to Gros Ventre Indians, and one consisting only of Assiniboine councilmen to administer all loans to Assiniboine Indians. The amounts allocated to the two sub-committees shall be equal except in so far as demonstrated differences in population or need warrant any other equitable division.

8. Corporate Dividends. The Community may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Community and may distribute per capita, among the recognized members of the Community, all income of the Community over and above sums necessary to defray corporate obligations to members of the Community or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of the Community government, the needs of charity, or other corporate purposes. No such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall be made without the approval of the Secretary of the Interior.

9. Corporate Accounts. The officers of the Community shall maintain accurate and complete public accounts of the financial affairs of the Community, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Community to the Commissioner of Indian Affairs. The Secretary-Treasurer of the Fort Belknap Indian Community shall pay out money only in accordance with the orders and resolutions of the Community Council, and no disbursements shall be made without the signature or approval of the Secretary-Treasurer. The books of the Secretary-Treasurer shall be audited at the direction of the Community Council or of the Commissioner of Indian Affairs, and shall be open to inspection by members of the Community or duly authorized representatives of the Secretary of the Interior at all reasonable times.

10. Amendments. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Community Council which if approved by the Secretary of the Interior, to be effective shall be ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 per cent of the eligible voters vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Fort Belknap Indian Community living on the Fort Belknap Reservation, provided at least 30 per cent of the eligible voters shall vote; such ratification to be formally certified by the Superintendent of the Fort Belknap Agency and the President of the Fort Belknap Indian Community.

Submitted by the Acting Secretary of the Interior for ratification by the Fort Belknap Indian Community in a popular referendum to be held on August 25, 1937.

CHARLES WEST
Acting Secretary of the Interior

WASHINGTON, D.C., July 29, 1937.

[SEAL]

***

CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on July 29, 1937, by the Acting Secretary of the Interior to the Fort Belknap Indian Community of the Fort Belknap Reservation, was duly submitted for ratification to the adult Indians living on the Reservation and was on August 25, 1937, duly carried by a vote of 277 for and 158 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

RICHARD KING,
President of the Fort Belknap
Indian Community.

F. W. BOYD
Superintendent of Fort Belknap Agency.

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CONSTITUTION AND BY-LAWS OF THE FORT BELKNAP INDIAN COMMUNITY OF THE FORT BELKNAP RESERVATION, MONTANA

Approved December 13, 1935

PREAMBLE

We, the duly enrolled members of the Fort Belknap Reservation in the State of Montana, in order to secure to ourselves and our descendants the management of our own affairs, and to perpetuate this reservation as an abiding place for the members of this community, do establish this constitution of the Fort Belknap Indian Community.

ARTICLE I — OBJECTIVES

It shall be the object of the Fort Belknap Indian Community:

(a) To establish and maintain, with the aid of the Federal Government, a form of home rule that shall promote the advancement and welfare of the Indians of the Fort Belknap Reservation.

(b) To establish and enforce such rules as may be necessary to safeguard Indian property for the use of present and future generations.

(c) To obtain for all Indians of this community, of the present and future generations, lands needed for home and livelihood.

ARTICLE II — TERRITORY

The jurisdiction of the Fort Belknap Indian Community shall extend to all lands now contained within the Fort Belknap Reservation, and to any lands that may in the future be added thereto.

ARTICLE III — MEMBERSHIP
(Amended in its entirety)

SECTION 1. Original Members of Community. Every living person whose name appears on the allotment roll of the Fort Belknap Reservation prepared and approved pursuant to the Act of March 3, 1921 (41 Stat. 1355), shall be entitled to membership in the Fort Belknap Indian Community.

SEC. 2. Descendants of Allottees. Each person of one-fourth (1/4) or more Indian blood, regardless of residence, born heretofore or hereafter to any member or descendant of a member of the Community whose name was or is on the allotment roll of the Fort Belknap Reservation prepared and approved pursuant to the Act of March 3, 1921 (41 Stat. 1355), shall automatically be entitled to membership in the Community.

SEC. 3. Adoption. The Community may by a majority of the votes cast by the members of the Community, adopt as a member of the Community any person of one-eighth (1/8) degree or more Indian blood who is a descendant of a member of the Fort Belknap Community and/or an allottee; Provided, That any person to be eligible for adoption must have resided at least three (3) consecutive years upon the Fort Belknap Reservation; And Provided Further, that such person has not received membership in any other tribe of Indians.

SEC. 4. Loss of Membership. In no case shall a member lose his membership other than by personal request in writing to the Community Council, or by reason of his having established legal residence in a foreign country.

SEC. 5. Definition. Wherever the term "Indian blood" is used in this article it shall be determined to mean the blood of either or both the Assiniboine or the Gros Ventre Tribes of the Fort Belknap Reservation.

SEC. 6. Current Membership Roll. The membership roll of the Fort Belknap Indian Community shall be kept current by striking therefrom the names of persons who have relinquished in writing their membership in the Community or have established legal residence in a foreign country and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Community Council, and by adding thereto the names of persons who meet the membership requirements and who comply with the procedures for enrollment as members of the Community.

SEC. 7. Appeals. Any person who has been rejected for enrollment as a member of the Community, except those rejected under Section 3, shall have the right to appeal within 60 days from the date of written notice of rejection to the Secretary of the Interior from the decision of the Community Council, and the decision of the Secretary of the Interior shall be final.

SEC. 8. Rules of Procedure. The Community Council shall have the authority to prescribe rules to be followed in compiling a membership roll in accordance with the provisions of this article, the completed roll to be approved by the Fort Belknap Community Council, and in case of distribution of Community assets, the roll shall be submitted to the Secretary of the Interior for final approval.

ARTICLE IV — ORGANIZATION OF COMMUNITY COUNCIL

(Amended in its entirety)

SECTION 1. Composition. The Community Council shall be composed of twelve (12) members, six (6) of whom shall be chosen every second year by popular vote. Each candidate for councilman shall pay a filing fee of $10.00.

SEC. 2. Apportionment. Representation of the Community Council shall consist of six Gros Ventre and six Assiniboine members, who shall be apportioned among the districts according to the population of the members of the two tribes in the respective districts. The actual enumeration shall be made prior to July first of each election year.

SEC. 3. Tenure. At the first election under this amendment, the three (3) Gros Ventre and three (3) Assiniboine members receiving the highest number of total votes shall be elected for a four (4) year term of office, and the three (3) Gros Ventre and three (3) Assiniboine members receiving the next highest number of total votes shall be elected to a two (2) year term of office; thereafter, the members of the Community Council shall be elected to serve for a period of four (4) years and may succeed themselves as often as re-elected.

SEC. 4. Officers. The officers of the Community Council shall consist of: President, Vice-President, Secretary-Treasurer, and these officers shall be chosen by the Council when properly convened. Officers shall be elected from the Council membership.

ARTICLE V — POWERS OF THE COMMUNITY COUNCIL

SECTION 1. Enumerated Powers. The council of the Fort Belknap Community shall have the following powers, the exercise of which shall be subject to popular referendum as provided hereafter:

(a) To negotiate with the Federal, State, and local governments on behalf of the community and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Fort Belknap Community.

(b) To employ legal counsel for the protection and advancement of the rights of the community and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) [Amended in its entirety] To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets which may be authorized or executed by the Secretary ofthe Interior or his duly authorized representative, provided that no community lands shall ever be sold or encumbered, but may be leased for any purpose for periods consistent with existing law.

(d) To submit through proper Government channels recommendations for the expenditure of Federal funds for tribal support, reimbursable assistance, reservational improvements, health, education, and other necessary activities looking toward the advancement of the members of this community.

(e) To borrow money from the Federal Government in accordance with the terms of a corporate charter to be issued to the Fort Belknap Indian Community.

(f) To manage the economic affairs of the community and to appropriate available funds for public purposes.

(g) To assess fees against members of the community or their property to obtain funds for payment of expenses of the community council or for carrying on any project that in the council's opinion may be beneficial to the community as a whole; Provided, however, that any district, not directly benefited by any project under contemplation, may by a majority vote of the people of the district, exempt itself from such assessment. In case of dispute as to whether a certain district is benefited by a given project, any party may appeal to the Commissioner of Indian Affairs for a final determination.

(h) To exclude from the territory of the community persons not legally entitled to reside therein under ordinances which shall be subject to review by the Secretary of the Interior.

(i) To establish ordinances, subject to review by the Secretary of the Interior, governing law enforcement on the reservation, and to set up courts for the trial and punishment of offenders against such ordinances, in cases that do not fall within the jurisdiction of the Federal court.

(j) To purchase land of members of the community for public purposes, under condemnation proceedings in courts of competent jurisdiction.

(k) To prohibit the overgrazing of lands or other depletion of the capital or natural resources of the community by ordinances which shall be subject to approval by the Secretary of the Interior.

(l) To establish ordinances relating to the assignment, use, or transfer of tribal lands within the jurisdiction.

(m) To regulate the inheritance of real and personal property, other than allotted lands, within the territory of the community.

(n) To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative associations of members of the community.

(o) To regulate the domestic relations of members of the community.

(p) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior.

(q) To make recommendations to the Superintendent or the Commissioner of Indian Affairs or the Secretary of the Interior concerning the appointment and removal of employees assigned to duties on the Fort Belknap Reservation.

(r) To appoint subordinate boards and tribal officials, and to provide for the popular election of subordinate district councils, and to delegate to such boards, councils, or officials or to cooperative associations which are open to all members of the community and of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(s) [Added]. To promulgate ordinances, subject to review by the Secretary of the Interior, providing for the assessment and collection of license fees from nonmembers doing business, or obtaining any other special right or privilege within the reservation, including townsites therein.

SEC. 2. Manner of Review. Any resolution or ordinance which, by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation, who shall, within ten days thereafter, approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the community council of such recission.

If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the community council of his reasons therefor. If these reasons appear to the council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. Future Powers. The council of the Fort Belknap Community may exercise, subject to popular referendum, such further powers as may in the future be delegated to the community by the Secretary of the Interior, or by any other duly authorized official or agency of government.

SEC. 4. Reserved Powers. Any rights and powers heretofore vested in the tribes of the Fort Belknap Indian Community but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Fort Belknap Community through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE VI — INITIATIVE AND REFERENDUM

Whenever a matter of great importance comes before the council the councilmen shall, by resolution duly passed, submit the matter to the vote of the people. If they do not so agree to submit the question, any two members of the council, or one hundred members of the community, may within thirty days after the vote of the council, call such a popular referendum, but no councilman shall call more than two referendum elections during any calendar year. When a referendum election has been called, the question to be voted on shall be posted at the voting places for at least ten days prior to the election. The notice shall contain the ordinance or resolution to be voted on with the accompanying words: "Shall the ordinance (or resolution) be approved? Yes( ). No( )." The will of the majority of those voting shall be the law, provided at least one-third of the eligible voters actually vote.

ARTICLE VII — ELECTIONS

SECTION 1. Right to Vote. All members of the Community of either sex, 21 years of age or over, are entitled to vote at any election when he or she presents himself or herself at any polling place on the reservation. The election of all councilmen shall be submitted to the entire electorate of the community.

SEC. 2. Time of Elections. Elections of membership on the Community Council shall be held the first Tuesday in November of every second year. Duly elected councilmen will take office on the first Monday of January of the succeeding year. At the first election under this amendment, the six (6) councilmen duly elected for a period of two (2) years shall serve until the Monday of January, 1968, and the six (6) Councilmen duly elected for a period of four (4) years shall serve until the first Monday of January, 1970.

SEC. 3. Manner and Place of Elections. Elections shall be taken by ballot, and polling places in each district shall be established by the council. The council shall appoint three election judges to serve at each polling place for each election, and the judges shall certify the results of the election.

SEC. 4. Nominations. Candidates for election to membership on the community council shall give public notice of such intention at least 30 days prior to the election date and at the same time file with the secretary of the council a certificate of such intention endorsed by five duly qualified electors other than immediate relatives.

ARTICLE VIII — REMOVAL FROM OFFICE

SECTION 1. Forfeiture of Office. Any member of the community council who shall be absent from three consecutive regular meetings of the council, unless such absence shall be excused for cause, or who shall be convicted of any offense involving dishonesty, shall automatically forfeit his office.

SEC. 2. Impeachment. The council may expel a member for cause by a two-thirds vote, after due notice of charges and allowing an opportunity to be heard.

SEC. 3. Vacancies. When vacancies happen in the representation from any district, the President of the Council shall issue a writ of election to fill such vacancies. At least thirty days' notice of such election shall be given.

ARTICLE IX — AMENDMENTS

This constitution and bylaws may be amended by a majority vote of the qualified voters of the community voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of the council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters, members of the community.

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BY-LAWS OF THE FORT BELKNAP INDIAN COMMUNITY OF THE FORT BELKNAP RESERVATION

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. President. It shall be the duty of the president to preside at all meetings of the council and to direct the work of its officers. He shall appoint such standing committees as are provided for in the bylaws and constitution and such temporary committees as the business of the community may require. He shall issue all necessary writs for regular or special elections, setting dates, place of polling, cause due notices to be posted, and in other ways perform any and all duties devolving upon his office with diligence and dispatch.

SEC. 2. Vice President. The vice president shall preside at any meeting of the council from which the president is absent, and in the event of the death of the president or his resignation or removal from office, he shall serve the remainder of the term as President.

SEC. 3. Secretary-Treasurer. The secretary-treasurer shall conduct the correspondence of the community council, shall keep all records, minutes of meetings, roster of members, records as to expenditures and allotments of tribal, gratuitous, or other funds over which the council has sole charge. He shall keep an accurate record of all members of the community, prepare necessary resolutions for appropriate action by the council; he shall prepare or cause to be prepared by such assistants as are assigned to him by the president, such reports or registers as the president or council may direct. He shall be required to give bond acceptable to the community and the Commissioner of Indian Affairs.

ARTICLE II — QUALIFICATIONS OF OFFICE

No person shall represent the community on the council unless he is a duly enrolled member of the community who has attained the age of twenty-five years, and who has never been convicted of a major crime.

ARTICLE III — SALARIES

The councilmen shall receive as compensation for their services not to exceed $3.00 per day while in session, and a mileage fee of five cents per mile for travel from their home to place of meeting and return. Expenses shall be paid from tribal funds. The community council may fix salaries of officers or committeemen.

ARTICLE IV — MEETINGS AND PROCEDURE

SECTION 1. Regular Meetings. The community council shall assemble on the first Monday of every month.

SEC. 2. Special Meetings. A special meeting may be called upon two days' notice by the president or by any four members of the council.

SEC. 3. Quorum. A majority of the members shall constitute a quorum to do business.

SEC. 4. Rules of Order. The council may determine the rules of its proceedings and may punish its members for disorderly behavior.

SEC. 5. Place of Meetings. The official meeting place of the community council shall be at the agency headquarters unless otherwise agreed.

SEC. 6. Disqualification for Interest. No member of the council shall cast a vote on any question in which he may have a personal pecuniary interest.

ARTICLE V — LAND

SECTION 1. Allotted Lands. Allotted lands, including heirship lands, within the Fort Belknap Reservation shall continue to be held by their present owners as heretofore. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Montana or of the Federal Government, or by the tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Fort Belknap Community. Likewise it is recognized that under existing law the Secretary ofthe Interior may remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold to non-Indians. The right of the individual Indian to hold or to lose his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Fort Belknap Community either inexchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Community Lands. The unallotted lands of the Fort Belknap Reservation, and all lands which may hereafter be acquired by the Fort Belknap Community, shall be held as community lands and shall not be allotted to individual Indians but may be assigned to members of the Fort Belknap Community, or leased, or otherwise used by the community as hereinafter provided.

SEC. 3. Leasing of Community Lands. Community lands may be leased by the community council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of community lands preference shall be given, first, to Indian cattle associations, and, secondly, to individual Indians who are members of the Fort Belknap Community. No lease of community land to a nonmember shall be made by the community council unless it shall appear that no Indian cattle association or individual member of the community is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering community land may be issued by the community council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

Free grazing privileges covering not to exceed 30 head of cattle or an equivalent amount of other livestock, may be assigned on community grazing land by the community council, to members of the community who do not have any grazing lands.

SEC. 4. Grant of "Standard" Assignments. In any assignment of community lands which are now owned by the community or which may be hereafter acquired for the community by the United States, or purchased by the community out of community funds, preference shall be given to members of the community who have no allotted lands or previous assignments of community lands.

Members of the community, who at the time of allotment on the Fort Belknap Reservation accepted a cash settlement in lieu of allotted lands, are considered as having allotted lands, and no preference will be shown such members by reason of their being landless.

No allotted member of the community who may hereafter have the restrictions upon his land removed and whose land may hereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The community council may if it sees fit, charge a fee of not to exceed $25.00 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless members of the community, and shall be known as "standard" assignments.

SEC. 5. Tenure of Standard Assignments. If any member of the community holding a standard assignment of land shall, for a period of two years fail to use the land so assigned, or shall, after due warning from the proper community officials, persist in using such land for any unlawful purpose, his assignment may be cancelled by the community council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of Section 4 of this article.

Upon the death of any Indian holding a "standard" assignment, his heirs or other individuals designated by him, by will or written request, shall have a preference in the reassignment of the land, provided such persons are members of the Fort Belknap Community who would be eligible to receive a "standard" assignment.

SEC. 6. Grant of "Exchange" Assignments. Any member of the community who owns an allotment or any share of heirship land may with the approval of the secretary, voluntarily transfer his interest in such land to the community in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as "exchange" assignments.

SEC. 7. Leasing of Exchange Assignments. Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative associations is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

SEC. 8. Inheritance of exchange assignments. Upon the death of the holder of any exchange assignment, such land shall be reassigned by the community council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Fort Belknap Community, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than 1,000 acres of grazing land, or other land or interests in land of equal value, either under allotment or under exchange assignment.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than 40 acres, and no area of agricultural land shall be subdivided into units smaller than two and one-half acres, except that land used for building or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the community council shall issue to such heirs or devisees grazing permits or other interests in tribal lands of the same value as the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of Section 4 of this article.

SEC. 9. Inheritance of Improvements. Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Fort Belknap Community or otherwise disposed of under such regulations as the community council shall provide. No permanent improvements shall be moved from the land without the consent of the community council.

SEC. 10. Exchange of Assignments. Both standard and exchange assignments may be exchanged between members of the Fort Belknap Community by common consent in such manner as the community council shall designate.

SEC. 11. Use of Unassigned Community Land. Community land which is not assigned, including community timber reserves, shall be managed by the community council for the benefit of the members of the entire community, and any cash income derived from such land shall accrue to the benefit of the community as a whole.

SEC. 12. [Amended in its entirety]. Purchase of Land by Community. Available tribal funds may be used to acquire land under the following conditions:

(a) The Fort Belknap Indian Community Council may, in accordance with law, purchase land within the Fort Belknap Reservation or adjacent thereto; and may exchange tribal lands for other lands within the reservation, subject to the approval of the Secretary of the Interior or his duly authorized representative.

(b) The Community may purchase any land from its members who desire to sell to the Tribe.

SEC. 13. Method of Making Assignments. Applications for assignment shall be filed with the secretary of the council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located for not less than 20 days before action is taken by the council. Any member of the community wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the secretary of the council, and may, if he so desires, appear before the council to present evidence. The secretary of the council shall furnish the superintendent or other officer in charge of the agency a complete record of all action taken by the council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the community.

The council shall draw up one or more forms for standard and exchange assignments, which forms shall be subject to the approval of the Secretary of the Interior.

ARTICLE VI — ADOPTION

This constitution and bylaws, when ratified by a majority vote of the qualified voters of the Fort Belknap Indian community voting at a special election called for the purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

United States Department of The Interior,
Office of Indian Affairs, Field Service,
Ft. Belknap Indian Agency,
Harlem, Mont., Oct. 21, 1935

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CERTIFICATE OF ADOPTION

Pursuant to an order, approved September 25, 1935, by the Secretary of the Interior, the attached constitution and bylaws were submitted for ratification to the members of the Fort Belknap Indian Community of the Fort Belknap Indian Agency, Harlem, Montana, and were on October 19, 1935, duly adopted by a majority vote of the members of said voting in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (Pub., No. 147, 74th Cong.).

THOMAS MAIN,
Chairman of Election Board.

WILLIAM BIGBY,
Chairman of Tribal Council.

J. W. ELLIOTT,
Superintendent and ex-officio Secretary
of the Tribal Council.

United States Department of The Interior,
Office of Indian Affairs, Field Service,
Ft. Belknap Indian Agency,
Harlem, Mont., Oct. 20, 1935

Commissioner of Indian Affairs,

Washington, D.C.

Sir:

We, the election board appointed for the purpose of conducting the election ordered by the Secretary of the Interior by his order of Sept. 25, 1935, hereby certify the results of the election held at this agency on this date to be as follows:

Those voting in favor of adopting the constitution and bylaws as presented--316

Those voting for rejecting the constitution and bylaws as presented--28

The election was held in accordance with the rules and regulations prescribed by the Secretary of the Interior, and the above results were determined by a careful and accurate count of the ballots cast by the eligible voters of the jurisdiction.

WILLIAM BIGBY,
River District.

MARK R. FLYING,
Lodgepole District.

THOMAS MAIN,
Hays District.

J. W. ELLIOTT,
Supt., Ft. Belknap Agency.

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I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and bylaws of the Fort Belknap Indian Community of the Fort Belknap Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and bylaws are hereby declared inapplicable to the Fort Belknap Indian Community of the Fort Belknap Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws.

Approval recommended November 26, 1936.

A. C. MONAHAN,
Acting Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

WASHINGTON, D.C., December 13, 1935.

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CORPORATE CHARTER OF THE NORTHERN CHEYENNE TRIBE OF THE TONGUE RIVER RESERVATION, MONTANA

Ratified November 7, 1936

Whereas, the Northern Cheyenne Tribe of the Tongue River Reservation in Montana is a recognized Indian Tribe organized under a constitution and by-laws ratified by the Tribe on November 2, 1935 and approved by the Secretary of the Interior on November 23, 1935 pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, T. A. Walters, Acting Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934, (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Northern Cheyenne Tribe of the Tongue River Reservation to be effective from and after such time as it may be ratified by a majority vote in an election at which at least thirty per cent of the adult Indians living on the reservation shall vote.

1. Corporate Existence and Purposes. In order to further the economic development of the Northern Cheyenne Tribe of the Tongue River Reservation in Montana by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Northern Cheyenne Tribe."

2. Perpetual Succession. The Northern Cheyenne Tribe shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Northern Cheyenne Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Tribal Council of the Northern Cheyenne Tribe established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Tribal Constitution and By-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land, or interests in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the Tribe within the boundaries of the Tongue River Reservation.

(2) No mortgage may be made by the Tribe of any standing timber on any land now or hereafter held by the Tribe within the boundaries of the Tongue River Reservation.

(3) No leases, permits (which terms shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Tongue River Reservation shall be made by the Tribe for a longer term than five years, as provided in Section 1 (c), Article IV, of the Constitution of the Tribe, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, water power leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(4) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Tongue River Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe, provided that the amount of indebtedness to which the Tribe may subject itself, other than indebtedness to the Indian Credit Fund, shall not exceed 25,000 dollars, except with the express approval of the Secretary of the Interior.

(d) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(e) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Montana including agreements with the State of Montana for the rendition of public services, provided that any contract involving payment of money by the corporation in excess of $5,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(f) To pledge or assign chattels or future tribal income due or to become due to the Tribe, provided that such agreements of pledge or assignment, other than an agreement with the United States, shall not extend more than ten years from the date of execution and shall not cover more than one-half the net tribal income from any one source, and provided that any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.

(h) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(i) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon the request of the Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) (3), 5 (c), 5 (e), 5 (f), 5 (g), 5 (h), and Section 8 of this charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the Tribe for a referendum vote. The termination shall be effective upon ratification by a majority vote at an election in which at least thirty per cent of the adult members of the Tribe residing on the reservation shall vote. If at any time after five years from the effective date of this charter, such request shall be made and the Secretary shall disapprove it or fail to approve or disapprove it within ninety days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Tribal Council to popular referendum of the adult members of the Tribe actually living within the reservation and if the termination is approved by two-thirds of the eligible voters, shall be effective.

7. Corporate Property. No property rights of the Northern Cheyenne Tribe, as heretofore constituted, shall be in any way impaired by anything contained in this charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Tribe may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, all profits of corporate enterprises or income over and above sums necessary to defray corporate obligations and over and above all sums which may be devoted to the estab-

lishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purposes. No such distribution of profits or income in any one year amounting to more than $25.00 per capita shall be made without the approval of the Secretary of the Interior. No distribution of the financial assets of the Tribe shall be made except as provided herein or as authorized by Congress.

9. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs. The books of the Treasurer shall be open to inspection by members of the Tribe or duly authorized representatives of the Government at all reasonable times.

10. Amendments. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 per cent of the eligible voters vote.

11. Ratification. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Northern Cheyenne Tribe living on the Tongue River Reservation, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Tongue River Agency and the Chairman of the Tribal Council of the Tribe.

Submitted by the Secretary of the Interior for ratification by the Northern Cheyenne Tribe of the Tongue River Reservation in a popular referendum to be held on November 7, 1936.

T. A. WALTERS,
Acting Secretary of the Interior.

[SEAL]

WASHINGTON, D.C., October 24, 1936.

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CERTIFICATE OF REFERENDUM ELECTION ON ACCEPTANCE OF CHARTER
Tongue River Reservation

We, the undersigned, hereby certify that in accordance with instructions of the Acting Secretary of the Interior, as contained in his letter of October 24, 1936 to the Superintendent, and in the corporate charter of the Northern Cheyenne Tribe of the Tongue River Reservation, an election was held on November 7, 1936, for the purpose of voting upon the ratification of the said charter.

We, further certify that at this election 529 votes were cast by qualified electors and that as the total number of eligible voters is 744, the total of the votes cast is more than 30% of the eligible voters.

We further certify that we have completed an official count of these votes, the result of which shows the following:

Votes in favor of the adoption of charter------------- 448
Votes opposed to adoption of charter------------------ 73
Votes rejected as illegal or spoiled------------------ 8

Total---------------------------------- 529

In view of the above, we hereby certify that the aforesaid charter has been duly ratified and has become effective as provided in Section 17 of the Act of June 18, 1934 (48 Stat. 984).

CHAS. H. JENNINGS,
Superintendent.

JOE WHITEBEAR,
President of the Tribal Council.

EUGENE FISHER, SR.,
Chairman of Election Committee.

RUFUS WALLOWING,
Member of Election Board.

LAME DEER, MONTANA, November 9, 1936.

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AMENDED CONSTITUTION AND BY-LAWS OF THE NORTHERN CHEYENNE TRIBE OF THE NORTHERN CHEYENNE INDIAN RESERVATION

Ratified April 12, 1960

PREAMBLE

We, the members of the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation in Montana, in order to establish a more unified tribal organization and to insure and promote the best interests of our society, industry, prosperity, and the general welfare of ourselves and our posterity do hereby establish this Constitution and Bylaws.

ARTICLE I — TERRITORY

The jurisdiction of the Northern Cheyenne Tribe under this Constitution and Bylaws shall extend to the territory within the confines of the Northern Cheyenne Indian Reservation boundaries as established by Executive Order dated November 26, 1884, under the administration of Chester A. Arthur and extended March 19, 1900, under the administration of William McKinley and to such other lands as may be hereafter added thereto by any law of the United States, except as otherwise provided by law.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Northern Cheyenne Tribe shall consist of as follows:

(a) All persons of Northern Cheyenne Indian blood whose names appear on the official census roll as of January 1, 1935, provided that by January 1, 1962, corrections shall be made in said roll by the Tribal Council, subject to approval of the Secretary of the Interior.

(b) Each person of one-half (1/2) or more Northern Cheyenne Indian blood, regardless of residence, born heretofore or hereafter to any member or descendant of a member of the Northern Cheyenne Tribe whose name was or is on the census roll referred to in Section 1(a) shall automatically be entitled to membership in the Northern Cheyenne Tribe.

(c) All children heretofore born to any member of the Northern Cheyenne Tribe who is a resident of the Northern Cheyenne Indian Reservation at the time of the birth of said children.

SEC. 2. The Tribal Council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership including adoptions and the loss of membership.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Northern Cheyenne Tribe under this Constitution and Bylaws shall be a council which shall hereafter be known as "The Tribal Council of the Northern Cheyenne."

SEC. 2. The Tribal Council shall consist of members elected from each of the following districts: Ashland, Birney, Busby, Muddy and Lame Deer in the proportion of one member for each two-hundred (200) population and an additional member for each major fraction thereof. The present Tribal Council shall designate the boundaries of each district named herein prior to the election of the first Tribal Council and the Tribal Council thereafter shall have power to change the boundaries of the districts.

SEC. 3. The officers of the Tribal Council shall be a President who shall be nominated and elected by popular vote as hereinafter provided; a Vice President and a Sergeant-at-Arms elected by the Tribal Council from within its own number; and a Secretary and a Treasurer appointed by the Tribal Council from outside its number. The Secretary and the Treasurer shall have no vote. Other officers and committees shall be appointed as provided for in the duties of the President.

SEC. 4. All elections for members of the Tribal Council and for the President shall be held on the first Tuesday in the month of September of even-numbered years. The President shall serve for four (4) years and the members of the Tribal Council shall serve for two (2) years.

ARTICLE IV — POWERS OF THE TRIBAL COUNCIL

SECTION 1. Enumerated Powers.—The Tribal Council of the Northern Cheyenne shall exercise the following powers, subject to any limitations imposed by the applicable statutes of the United States and subject further to all express restrictions upon such powers contained in this Constitution and the attached Bylaws:

(a) To negotiate with the Federal, State, and local governments, on behalf of the Tribe, and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Northern Cheyenne Indian Reservation.

(b) To employ legal counsel for the protection and advancement of the rights of the Northern Cheyenne Tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or prevent any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets, including minerals, gas and oil.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Northern Cheyenne Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To engage in any business that will further the economic well-being of the members of the Tribe and to undertake any economic activity of any nature whatever not inconsistent with law or any of the provisions of this Constitution.

(f) To administer any funds within the control of the Tribe; to make expenditures from available funds for tribal purposes, including salaries and expenses of tribal officials oremployees. All expenditures of tribal funds under control of the Tribal Council shall be by resolution duly approved by a majority of the Tribal Council in legal session and the amounts so expended shall be a matter of public record at all times.

The Tribal Council, subject to the approval of the Secretary of the Interior, or his authorized representative, shall prepare annual budget requests for the advancement to the control of the Tribe such money as is now or may hereafter be deposited to the credit of the Tribe in the United States Treasury or which may hereafter be appropriated for the use of the Tribe.

(g) To levy taxes or assessments upon members of the Northern Cheyenne Tribe and to require the performance of community labor in lieu thereof, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon nonmembers doing business within the reservation.

(h) To exclude from the restricted lands of the Northern Cheyenne Indian Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior.

(i) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Northern Cheyenne Tribe and any other person or persons coming within the jurisdiction of the reservation, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.

(j) To purchase, under condemnation proceedings in courts of competent jurisdiction, land or other property needed for public purposes, subject to the approval of the Secretary of the Interior.

(k) To protect and preserve the property, wildlife, and natural resources of the Tribe and to regulate the conduct of trade and the use and disposition of property upon the reservation, provided that any ordinance directly affecting nonmembers of the Tribe shall be subject to review by the Secretary of the Interior.

(l) To cultivate and preserve native arts, crafts, culture, and Indian ceremonials.

(m) To administer charity and to protect the health and general welfare of the Tribe.

(n) To establish subordinate organizations of members of the Tribe for economic purposes.

(o) To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Northern Cheyenne Indian Reservation, subject to review by the Secretary of the Interior, and to consult with the Examiner of Inheritance in all heirship findings before they are submitted to the Secretary of the Interior for determination.

(p) To regulate the domestic relations of members of the Tribe and of nonmembers married into the Tribe.

(q) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior.

(r) To adopt resolutions regulating the procedure of the Council, other tribal agencies, and tribal officials of the reservation.

(s) To delegate to subordinate boards or officers or to cooperative associations which are open to all members of the Tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

SEC. 2. Future Powers.—The Tribal Council of the Northern Cheyenne Tribe may exercise such future powers as may in the future be given to the Council by members of the Tribe through the adoption of appropriate Bylaws and Constitutional amendments.

SEC. 3. Reserved Powers.—Any right and powers heretofore vested in the Northern Cheyenne Tribe but not expressedly referred to in this Constitution shall not be abridged by this article, but may be exercised by the people of the Northern Cheyenne Tribe through the adoption of appropriate Bylaws and Constitutional amendments.

SEC. 4. Manner of Review.—Any resolution or ordinance which pursuant to this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation within ten (10) days of enactment by the Tribal Council; and the Superintendent shall, within ten (10) days after receipt, approve or disapprove same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the date of enactment rescind the said ordinance or resolution for any cause by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him within ten (10) days after its receipt, he shall advise the Tribal Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may within ninety (90) days from the date of its enactment approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE V — BILL OF RIGHTS

SECTION 1. All members of the Tribe shall be accorded equal opportunities to participate in the economic resources and activities of the Tribe.

SEC. 2. All members of the Tribe may enjoy, without hindrance, freedom of worship, conscience, speech, press, assembly, and association as guaranteed by the Constitution of the United States.

ARTICLE VI — ELECTIONS

SECTION 1. All members of the Tribe eighteen (18) years of age or over shall have the right to vote at all reservation elections, except when the Federal law requires the voter to be twenty-one (21) years of age or over.

SEC. 2. All elections (except special elections which may be called by the Tribal Council) shall be held on the first Tuesday in the month of September. The places of voting shall be designated by the Tribal Council.

SEC. 3. (a) The President shall be nominated in the following manner: Each district shall appoint the same number of electors as they have members on the Tribal Council and these electors shall nominate one or more candidates for the office of President.

(b) The members of the Tribal Council shall be nominated by the districts in the following manner: Each district shall nominate its candidates for membership in the Tribal Council in such manner as the Tribal Council shall designate.

(c) The list of qualified candidates for President nominated by the electors and the list of qualified candidates for Tribal Council members nominated by the districts shall be submitted to the Secretary of the Tribal Council who shall post the lists of these qualified candidates in the several districts at least three (3)weeks before the date of election.

(d) All nominations and elections shall be held in accordance with ordinances adopted by the Tribal Council.

ARTICLE VII — REMOVAL FROM OFFICE

SECTION 1. Forfeiture of Office.—

(a) Any officer or councilman found guilty of a felony in any tribal, county, State or Federal Court shall automatically be removed from office and may not stand for election for three (3) years thereafter.

(b) Any officer or councilman found guilty of a misdemeanor involving moral turpitude in any court shall automatically be removed from office, but such member may stand for nomination and re-election.

SEC. 2. Removal from Office.—Any officer or councilman who shall fail to perform the duties assigned to him or shall be guilty of gross neglect may be removed by a two-thirds (2/3) vote of the Tribal Council, after affording the accused member a fair opportunity to be heard in his own defense. The decision of the Tribal Council shall be final.

SEC. 3. Any complaint against the President, a member, or officer of the Tribal Council must be in writing and sworn to by the complainant.

SEC. 4. Vacancies.—

(a) If the office of President is declared vacant it shall be filled temporarily by the Vice President and the Tribal Council shall within sixty (60) days after the vacancy occurs call for nomination and election of a President to fill the vacancy in the manner as provided in Article VI.

(b) If the office of a member of the Tribal Council becomes vacant the Tribal Council shall, at its first meeting thereafter, call an election within the district in which the vacancy occurs. Such election shall be held within thirty (30) days after the said Council meeting.

ARTICLE VIII — REFERENDUM

SECTION 1. Upon a petition, signed by at least ten (10) percent of the registered voters from each district, a referendum may be demanded on any tribal adoption of a person or the elimination of a person from the tribal roll, or on any proposed or enacted ordinance or resolution of the Tribal Council and the vote of the majority of the qualified voters voting in such referendum shall be conclusive and binding upon the Tribal Council, provided at least thirty (30) percent of the eligible voters shall vote in such referendum.

ARTICLE IX — LAND

SECTION 1. Allotted Lands.—Allotted lands, including heirship land, within the Northern Cheyenne Indian Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Northern Cheyenne Tribe. Likewise, it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Northern Cheyenne Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Tribal Lands.—The unallotted lands of the Northern Cheyenne Indian Reservation and all lands which may hereafter be acquired by the Northern Cheyenne Tribe or by the United States in trust for the Northern Cheyenne Tribe, shall be held as tribal lands and no part of such land shall be mortgaged, sold, or ceded. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Northern Cheyenne Tribe, or leased, or otherwise used by the Tribe, as hereinafter provided.

SEC. 3. Leasing of Tribal Land.—

(a) Tribal land may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods as permitted by law.

(b) Grazing permits covering tribal lands may be issued by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as permitted by law.

SEC. 4. Assignments of Tribal Land.—

(a) The Tribal Council may by ordinance approved by the Secretary of the Interior provide for the granting and tenure of assignments of tribal land to members of the Tribe, provided, the rights of all members of the Tribe be not violated.

(b) Any member of the Tribe who owns an allotment or any share of heirship land or patent-in-fee land may voluntarily transfer his interest in such land to the Tribe in exchange for an assignment to the same land or for other land or a proportionate share in a larger grazing unit.

SEC. 5. Use of Unassigned Tribal Land.—Tribal land which is not leased or assigned, including tribal timber reserves, shall be managed by the Tribal Council subject to the approval of the Secretary of the Interior, for the benefit of the members of the entire Tribe, and any cash income derived from such land shall accrue to the benefit of the Tribe as a whole.

SEC. 6. Purchase of Land by Tribe.—The Northern Cheyenne Tribal Council is hereby authorized and empowered to use tribal funds to purchase lands or interests in land for and on behalf of the Northern Cheyenne Tribe under such terms as may be agreed upon provided the purchase is approved by the Secretary of the Interior.

ARTICLE X — AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Tribe, voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of two-thirds (2/3) of the Tribal Council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters of the tribe.

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CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 18, 1959, by the Assistant Secretary of the Interior, the attached amended Constitution and Bylaws was submitted for ratification to the members of the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana, and was on April 12, 1960, ratified by a vote of 273 for, and 67 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

JOHN WOODEN LEGS
President, Northern Cheyenne Tribal Council

GEORGE HIWALKER, JR.
Secretary, Northern Cheyenne Tribal Council

DON Y. JENSEN
Supt., Northern Cheyenne Agency

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APPROVAL

I, Roger Ernst, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Northern Cheyenne Indian Reservation, Montana, as adopted by the Indians of the Northern Cheyenne Indian Reservation on April 12, 1960.

Approval recommended:

H. REX LEE
Acting Commissioner
Bureau of Indian Affairs

ROGER ERNST
Assistant Secretary of the Interior

WASHINGTON, D.C.
Date: July 8, 1960

[SEAL]

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BY-LAWS

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The President may, if he desires, preside over all meetings of the Tribal Council. He shall, with the advice and consent of the Tribal Council, appoint delegates, representatives, committees, or other officers as are deemed proper from time to time. He shall have power to fill all vacancies, not otherwise provided for in this Constitution and Bylaws, that may occur when the Tribal Council is not in session and then he shall submit the names of such appointees at the following session. It shall be his duty to convene the Tribal Council for extra sessions. It shall be his duty to see that all enactments, orders, and resolutions are properly executed. He shall have the further right of conferring with any Federal or State official on any matters that affect the welfare of the Tribe. And he shall also have the further right to confer with the several district councils.

SEC. 2. The Vice President shall act as presiding officer of the Tribal Council whenever the President does not so preside. Whenever the President does not preside he may delegate any or all of his powers to the Vice President. In the event that the office of the President becomes vacant, the Vice President shall become temporary President and shall perform the duties and execute the powers of President until the office of President is filled.

SEC. 3. The Tribal Council Secretary shall keep a full report of all proceedings of each regular and special meeting of the Tribal Council and shall perform such other duties of like nature as the Council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the President of the Council, to the Superintendent of the Reservation, to the Commissioner of Indian Affairs, and to all recognized District Councils of the reservation.

SEC. 4. The Tribal Council Treasurer shall be the custodian of all moneys which come under the jurisdiction or control of the Tribal Council of the Northern Cheyenne. He shall pay out money in accordance with the orders and resolutions of the council. He shall keep accounts of all receipts and disbursements and shall make written reports of same to the Tribal Council at each regular and special meeting. He shall be bonded in such an amount as the Council by resolution shall provide, such bond to be approved by the Commissioner of Indian Affairs. The books of the Tribal Council Treasurer shall be subject to inspection or audit by the direction of the Council or the Commissioner of Indian Affairs.

SEC. 5. The Sergeant-at-Arms shall be present at all regular and extra sessions and shall keep order in such meetings and shall perform such other duties as the Tribal Council may by resolution provide.

ARTICLE II — QUALIFICATIONS

SECTION 1. In order for a person to be eligible for the office of President of the Tribal Council he must be at least thirty (30) years of age and a member, by blood, of the Northern Cheyenne Tribe.

SEC. 2. Any person elected as a member of the Tribal Council must be at least twenty-one (21) years of age and a member of the Northern Cheyenne Tribe.

ARTICLE III — CERTIFICATION

SECTION 1. The Tribal Council shall appoint an election board which shall certify to the election of all members elected and this shall be done within five (5) days after the election.

SEC. 2. (Oath) I, _________________________, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; carry out faithfully and impartially the duties of my office to the best of my ability; promote and protect the best interests of my tribe, the Northern Cheyenne, in accordance with this Constitution and Bylaws.

This oath of office shall be administered by a Notary Public or Judge.

ARTICLE IV — SALARIES

SECTION 1. The salaries of the members or other officers of the Tribal Council of the Northern Cheyenne Tribe may be paid out of available funds within the exclusive control of the Tribal Council or out of any other available tribal funds with the approval of the Secretary of the Interior in accordance with ordinances duly enacted, provided that no Tribal Council shall enact any ordinance increasing the salaries of councilmen during the existing term of office.

ARTICLE V — MEETINGS AND PROCEDURE

SECTION 1. The Tribal Council shall assemble on the first Monday after the 15th of each month.

SEC. 2. A majority of two-thirds (2/3) of the members of the Tribal Council must be present in order to constitute a quorum to do business.

SEC. 3. Extra sessions may be called by the President or by five (5) members of the Tribal Council in writing to the President and when so called two-thirds (2/3) of the members of the Tribal Council must be present to constitute a quorum, and the Tribal Council shall have power to transact business as in regular meetings.

SEC. 4. The presiding officer in meetings of the Tribal Council shall vote only in the case of a tie.

SEC. 5. Every order, resolution, or vote to which the concurrence of the Tribal Council may be necessary (except of the question of adjournment) shall be presented to the President of the Tribal Council, and before the same shall take effect it shall be approved by him or being disapproved by him may become effective by being repassed by two-thirds (2/3) vote of the Tribal Council.

ARTICLE VI — ADOPTION OF CONSTITUTION AND BYLAWS

SECTION 1. This Constitution and the attached Bylaws when approved by a majority of the adult voters of the Northern Cheyenne Tribe voting in a special election called by the Secretary of the Interior in which at least 30 percent of the eligible voters vote, shall be submitted to the Secretary of the Interior for approval and shall be effective from the date of such approval.

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CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 18th, 1959, by the Assistant Secretary of

Interior, the attached amended Constitution and Bylaws was submitted for ratification to the members of the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana, and was on April 12th, 1960, ratified by a vote of 273 for, and 67 against in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

JOHN WOODEN LEGS,
President, Northern Cheyenne Tribal Council

GEORGE HIWALKER, JR.,
Secretary, Northern Cheyenne Tribal Council

DON Y. JENSEN
Superintendent, Northern Cheyenne Agency

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APPROVAL

I, Roger Ernst, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached amended Constitution and Bylaws of the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana, as adopted by the Indians of the Northern Cheyenne Indian Reservation on April 12, 1960.

Approval recommended:

H. REX LEE,
Acting Commissioner of Indian Affairs

ROGER ERNST,
Assistant Secretary of the Interior

[SEAL]

Washington, D.C., July 8, 1960.

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CORPORATE CHARTER OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, MONTANA

Ratified April 25, 1936

Whereas, the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana constitute a recognized Indian tribe organized under a constitution and bylaws ratified by the tribe on October 4, 1935, and approved by the Secretary of the Interior on October 28, 1935, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the tribe have petitioned that a charter of incorporation be granted to such tribe, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Confederated Salish and Kootenai Tribes of the Flathead Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation.

1. Corporate Existence. In order to further the economic development of the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana by conferring upon the said tribe certain corporate rights, powers, privileges, and immunities; to secure for the members of the tribe an assured economic independence; and to provide for the proper exercise by the tribe of various functions heretofore performed by the Department of the Interior, the aforesaid tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Confederated Salish and Kootenai Tribes of the Flathead Reservation."

2. Perpetual Succession. The Confederated Salish and Kootenai Tribes shall, as a Federal corporation, have perpetual succession.

3. Membership. The Confederated Salish and Kootenai Tribes shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the tribe, as provided by its duly ratified and approved constitution and bylaws.

4. Management. The tribal council of the Confederated Tribes established in accordance with the said constitution and bylaws of the tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the constitution and bylaws of the said tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal constitution and bylaws:

(1) To adopt, use, and alter at its pleasure a corporate seal.

(2) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

1. No sale or mortgage may be made by the tribe of any land, or interests in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the tribe within the boundaries of the Flathead Reservation.

2. No mortgage may be made by the tribe of any standing timber on any land now or hereafter held by the tribe within the boundaries of the Flathead Reservation.

3. No leases, permits (which terms shall not include land assignments to members of the tribe), or timber-sale contracts covering any land or interests in land now or hereafter held by the tribe within the boundaries of the Flathead Reservation shall be made by the tribe for a longer term than 10 years, and all such leases, permits, or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, water power leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

4. No action shall be taken by or in behalf of the tribe which conflicts with regulations authorized by Section 6 of the act of June 18, 1934, or in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Flathead Reservation.

5. No distribution of corporate property to members shall be made except out of net income.

(c) To issue interests in corporate property in exchange for restricted Indian lands.

(d) To borrow money from the Indian credit fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the tribe: Provided, That the amount of indebtedness to which the tribe may subject itself shall not exceed $100,000, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Montana, for the rendition of public services and including contracts with the United States or the State of Montana or any agency of either for the development of water-power sites within the reservation: Provided, That all contracts involving payment of money by the corporation in excess of $5,000 in any one fiscal year, or involving the development of water-power sites within the reservation, shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge or assign chattels or future tribal income due or to become due to the tribe under any notes, leases, or other contracts, whether or not such notes, leases, or contracts are in existance at the time: Provided, That such agreements of pledge or assignment shall not extend more than 10 years from the date of execution and shall not cover more than one-half the net tribal income in any 1 year: And provided further, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any National or State bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the postal savings bank or with a bonded disbursing officer of the United States to the credit of the tribe.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said tribe or by the United States to the levy of any judgment, lien, or attachment upon the property of the tribe other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. At any time after 10 years from the effective date of this charter, upon the request of the tribal council of the Confederated Tribes for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5b (3), 5d, 5f, 5g, 5h, and Section 8 of this charter, the Secretary of the Interior, if he deems it wise and expedient so to do, shall thereupon submit the question of such termination or grant for ratification by the tribe. If the Secretary of the Interior shall approve such termination, it shall be effective upon ratification by a majority vote of the adult members of the tribe residing on the reservation, at an election in which at least 30 percent of the eligible voters vote. If the Secretary shall disapprove such termination, or fail to approve or disapprove it within 90 days after its receipt, it may then be submitted by the Secretary or by the tribal council to popular referendum of the adult members of the tribe actually living within the reservation, and if approved by two-thirds of the eligible voters shall be effective.

7. Corporate Property. No property rights of the Confederated Salish and Kootenai Tribes, as heretofore constituted, shall be in any way impaired by anything contained in this charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The tribe may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the tribe and may distribute per capita, among the recognized members of the tribe, all profits of corporate enterprises over and above sums necessary to defray corporate obligations to members of the tribe or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. Any such distribution

of profits in any 1 year amounting to a per capita cash payment of $100 or more, or amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior.

9. Corporate Accounts. The officers of the tribe shall maintain accurate and complete public accounts of the financial affairs of the tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the tribe to the Commissioner of Indian Affairs. The treasurer of the tribe shall be the custodian of all moneys which come under the jurisdiction or control of the tribal council. He shall pay out money in accordance with the orders and resolutions of the council, and no disbursements shall be made without the signature or approval of the treasurer. He shall keep accounts of all receipts and disbursements and shall make written reports of same to the tribal council at each regular and special meeting. He shall be bonded in such an amount as the council by resolution shall provide, such bond to be approved by the Commissioner of Indian Affairs. The books of the treasurer shall be audited at the direction of the council or of the Commissioner of Indian Affairs, and shall be open to inspection by members of the tribe or duly authorized representatives of the Government at all reasonable times.

10. Amendments. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the council which, if approved by the Secretary of the Interior, to be effective shall be ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

11. Ratification. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Confederated Salish and Kootenai Tribes living on the Flathead Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the superintendent of the Flathead Agency and the chairman of the tribal council of the Confederated Tribes.

Submitted by the Secretary of the Interior for ratification by the Confederated Salish and Kootenai Tribes of the Flathead Reservation in a popular referendum to be held on April 25, 1936.

T. A. WALTERS,
Acting Secretary of the Interior.

WASHINGTON, D.C., April 21, 1936.

[SEAL]

***

CERTIFICATION

Pursuant to Section 17 of the act of June 18, 1934 (48 Stat. 984), this charter, issued on April 21, 1936, by the Secretary of the Interior to the Confederated Salish and Kootenai Tribes of the Flathead Reservation, was duly submitted for ratification to the adult Indians living on the reservation and was on April 25, 1936, duly ratified by a vote of 425 for and 129 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

EDWIN DUPUIS,
Chairman of the Tribal Council.

L. W. SHOTWELL,
Superintendent, Flathead Agency.

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CONSTITUTION AND BY-LAWS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, MONTANA

Approved October 28, 1935

PREAMBLE

We, the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in order to establish a more responsible organization, promote our general welfare, conserve and develop our lands and resources, and secure to ourselves and our posterity the power to exercise certain rights of self-government not inconsistent with Federal, State, and local laws, do ordain and establish this Constitution for the Confederated Tribes of the Flathead Reservation.

ARTICLE I — TERRITORY

The jurisdiction of the Confederated Salish and Kootenai Tribes of Indians shall extend to the territory within the original confines of the Flathead Reservation as defined in the Treaty of July 16, 1855, and to such other lands without such boundaries, as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Confederated Tribes of the Flathead Reservation shall consist as follows:

(a) All persons of Indian blood whose names appear on the official census rolls of the Confederated Tribes as of January 1, 1935.

(b) All children born to any member of the Confederated Salish and Kootenai Tribes of the Flathead Reservation who is a resident of the reservation at the time of the birth of said children.

SEC. 2. The Council shall have the power to propose ordinances, subject to review by the Secretary of the Interior, governing future membership and the adoption of members by the Confederated Tribes.

SEC. 3. No property rights shall be acquired or lost through membership in this organization, except as provided herein.

ARTICLE III — THE TRIBAL COUNCIL

SECTION 1. The governing body of the Confederated Salish and Kootenai Tribes of the Flathead Reservation shall be the Tribal Council.

SEC. 2. The Council shall consist of ten councilmen to be elected from the districts as set forth hereafter, and Chiefs Martin Charlo and Eneas Paul Koostahtah.

SEC. 3. Representation from the districts hereby designated shall be as follows:

Jocko Valley and Mission Districts, two councilmen each; Ronan, Pablo, Polson, Elmo-Dayton, Hot Springs-Camas Prairie, and Dixon, one councilman each.

SEC. 4. The Tribal Council shall have the power to change the districts and the representation from each district, based on community organization or otherwise, as deemed advisable, such change to be made by ordinance, but the total number of delegates shall not be changed as provided for in Section 2 of Article III of this Constitution.

SEC. 5. The Tribal Council so organized shall elect from within its own number a chairman, and a vice chairman, and from within or without its own membership, a secretary, treasurer, sergeant-at-arms, and such other officers and committees as may be deemed necessary.

SEC. 6. No person shall be a candidate for membership in the Tribal Council unless he shall be a member of the Confederated Tribes of the Flathead Reservation and shall have resided in the district of his candidacy for a period of one year next preceding the election.

SEC. 7. The Tribal Council of the Confederated Tribes of the Flathead Reservation shall be the sole judge of the qualifications of its members.

ARTICLE IV — NOMINATIONS AND ELECTIONS

SECTION 1. The first election of a Tribal Council under this Constitution shall be called and supervised by the present Tribal Council within 30 days after the ratification and approval of this Constitution, and thereafter elections shall be held every two years on the third Saturday prior to the expiration of the terms of office of the members of the Tribal Council. At the first election, five councilmen shall be elected for a period of two years and five for a period of four years. The term of office of a councilman shall be for a period of four years unless otherwise provided herein.

SEC. 2. The Tribal Council or an election board appointed by the Council shall determine rules and regulations governing all elections.

SEC. 3. Any qualified member of the Confederated Tribes may announce his candidacy for the Council, within the district of his residence, notifying the Secretary of the Tribal Council in writing of his candidacy at least 15 days prior to the election. It shall be the duty of the Secretary of the Tribal Council to post in each district at least 10 days before the election, the names of all candidates for the Council who have met these requirements.

SEC. 4. The Tribal Council, or a board appointed by the Council, shall certify to the election of the members of the Council within 5 days after the election returns.

SEC. 5. Any member of the Confederated Tribes of the Flathead Reservation who is 21 years of age or over and who has maintained a legal residence for at least one year on the Flathead Reservation shall be entitled to vote.

SEC. 6. The Tribal Council, or a board appointed by the Tribal Council, shall designate the polling places and appoint all election officials.

ARTICLE V -- VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or official shall die, resign, permanently leave the reservation, or be removed from office, the Council shall declare the position vacant and appoint a successor to fill the unexpired term, provided that the person chosen to fill such vacancy shall be from the district in which such vacancy occurs.

SEC. 2. Any councilman who is proven guilty of improper conduct or gross neglect of duty may be expelled from the Council by a two-thirds vote of the membership of the Council voting in favor of such expulsion, and provided further, that the accused member shall be given full and fair opportunity to reply to any and all charges at a designated Council meeting. It is further stipulated that any such member shall be given a written statement of the charges against him at least five days before the meeting at which he is to appear.

ARTICLE VI -- POWERS AND DUTIES OF THE TRIBAL COUNCIL

SECTION 1. The Tribal Council shall have the power, subject to any limitations imposed by the Statutes or the Constitution of the United States, and subject to all express restrictions upon such powers contained in this Constitution and attached By-laws;

(a) To regulate the uses and disposition of tribal property, to protect and preserve the tribal property, wildlife and natural resources of the Confederated Tribes, to cultivate Indian arts, crafts, and culture, to administer charity; to protect the health, security, and general welfare of the Confederated Tribes.

(b) To employ legal counsel for the protection and advancement of the rights of the Flathead Confederated Tribes and their members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To negotiate with the Federal, State, and local governments on behalf of the Confederated Tribes, and to advise and consult with the representatives of the Departments of the Government of the United States on all matters affecting the affairs of the Confederated Tribes.

(d) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands and tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other agency of the Government, provided that no tribal lands shall be sold or encumbered or leased for a period in excess of five years, except for Governmental purposes.

(e) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Confederated Tribes, prior to the submission of such estimates to the Congress.

(f) To manage all economic affairs and enterprises of the Confederated Tribes in accordance with the terms of a charter to be issued by the Secretary of the Interior.

(g) To make assignments of tribal lands to members of the Confederated Tribes in conformity with Article VIII of this Constitution.

(h) To appropriate for tribal use of the reservation any available applicable tribal funds, provided that any such appropriation may be subject to review by the Secretary of the Interior, and provided, further, that any appropriation in excess of $5,000 in any one fiscal year shall be of no effect until approved in a popular referendum.

(i) To promulgate and enforce ordinances, subject to review by the Secretary of the Interior, which would provide for assessments or license fees upon nonmembers doing business within the reservation, or obtaining special rights or privileges, and the same may also be applied to members of the Confederated Tribes, provided such ordinances have been approved by a referendum of the Confederated Tribes.

(j) To exclude from the restricted lands of the reservation persons not legally entitled to reside thereon, under ordinances which may be subject to review by the Secretary of the Interior.

(k) To enact resolutions or ordinances not inconsistent with Article II of this Constitution governing adoptions and abandonment of membership.

(l) To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the ConfederatedTribes, and providing for the maintenance of law and order and the administration of justice by the establishment of an Indian Court, and defining its powers and duties.

(m) To purchase land of members of the Confederated Tribes for public purposes under condemnation proceedings in courts of competent jurisdiction.

(n) To promulgate and enforce ordinances which are intended to safeguard and promote the peace, safety, morals, and general welfare of the Confederated Tribes by regulating the conduct of trade and the use and disposition of property upon the reservation, providing that any ordinance directly affecting nonmembers shall be subject to review by the Secretary of the Interior.

(o) To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative and other associations which may be organized under any charter issued under this Constitution.

(p) To regulate the inheritance of real and personal property, other than allotted lands, within the Flathead Reservation, subject to review by the Secretary of the Interior.

(q) To regulate the domestic relations of members of the Confederated Tribes.

(r) To recommend and provide for the appointment of guardians for orphans, minor members of the Confederated Tribes, and incompetents subject to the approval of the Secretary of the Interior, and to administer tribal and other funds or property which may be transferred or entrusted to the Confederated Tribes or Tribal Council for this purpose.

(s) To create and maintain a tribal fund by accepting grants or donations from any person, State, or the United States.

(t) To delegate to subordinate boards or to cooperative associations which are open to all members of the Confederated Tribes, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(u) To adopt resolutions or ordinances to effectuate any of the foregoing powers.

SEC. 2. Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation who shall, within ten days thereafter, approve or disapprove the same, and if such ordinance or resolution is approved, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior who may, within 90 days from the date of enactment, rescind said ordinance or resolution for any cause, by notifying the Council of such action: Provided, That if the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the Council of his reasons therefor, and the Council, if such reasons appear to be insufficient, may refer it to the Secretary of the Interior, who may pass upon same and either approve or disapprove it within 90 days from its enactment.

SEC. 3. The council of the Confederated Tribes may exercise such further powers as may in the future be delegated to it by the Federal Government, either through order of the Secretary of the Interior or by Congress, or by the State Government or by members of the Confederated Tribes.

SEC. 4. Any rights and powers heretofore vested in the Confederated Tribes but not expressly referred to in this Constitution shall not be abridged by this article, but may be exercised by the members of the Confederated Tribes through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE VII — BILL OF RIGHTS

SECTION 1. All members of the Confederated Tribes over the age of 21 years shall have the right to vote in all tribal elections, subject to any restrictions as to residence as set forth in Article IV.

SEC. 2. All members of the Confederated Tribes shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SEC. 3. All members of the Confederated Tribes may enjoy without hindrance freedom of worship, speech, press, and assembly.

SEC. 4. Any member of the Confederated Tribes accused of any offense, shall have the right to a prompt, open, and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses in his own behalf and trial by jury shall be accorded, when duly requested, by any member accused of any offense punishable by more than 30 days' imprisonment, and excessive bail or cruel or unusual punishment shall not be imposed.

ARTICLE VIII — LAND

SECTION 1. Allotted Lands.—Allotted lands, including heirship lands, within the Flathead Reservation, shall continue to be held as heretofore by their present owners. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Confederated Tribes either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

The Tribal Council shall have the right to exchange tribal lands for individual allotments when necessary for consolidation of tribal holdings and subject to approval of the Secretary of the Interior. Such exchanges shall be based on the appraised value of the lands so exchanged, and the individual Indian shall hold the land so exchanged in the same manner as the original allotment.

SEC. 2. Tribal Lands.—The unallotted lands of the Flathead Reservation, and all lands which may hereafter be acquired by the Flathead Confederated Tribes or by the United States in trust for the Flathead Confederated Tribes, shall be held as tribal land, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individuals but may be assigned to members of the Confederated Tribes, or leased, or otherwise used by the Confederated Tribes as hereinafter provided.

SEC. 3. Leasing of Tribal Lands.—Tribal lands may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first, to Indian cooperative associations, and, secondly, to individual Indians who are members of the Confederated Tribes. No lease of tribal land to a nonmember shall be made by the Tribal Council unless it shall appear that no Indian cooperative association or individual member of the Confederated Tribes is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the Tribal Council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SEC. 4. Grants of Standard Assignments.—In any assignment of tribal lands which now are owned by the Confederated Tribes or which may hereafter be acquired for the Confederated Tribes by the United States, or purchased by the Confederated Tribes out of tribal funds, preference shall be given, first, to heads of families which are entirely landless, and, secondly, to heads of families which have no allotted lands or interests in allotted lands but shall have already received assignments consisting of less than 80 acres of agricultural land, or other land or interest in land of equal value.

No allotted member of the Confederated Tribes who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of lands as a landless Indian.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as "Standard Assignments".

The Tribal Council may, if it seems fit, charge a fee of not to exceed $5.00 on approval on an assignment of land made under this section.

SEC. 5. Tenure of Standard Assignments.—If any member of the Confederated Tribes holding a standard assignment of land shall, for a period of one year, fail to use the land so assigned, or shall use such land for any unlawful purposes, his assignment may be canceled by the Tribal Council after he has had due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of Section 4 of this article.

Upon the death of any Indian holding a "Standard Assignment", his heirs, or other individuals designated by him by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Confederated Tribes who would be eligible to receive a "Standard Assignment."

SEC. 6. Grant of Exchange Assignment.—Any member of the Confederated Tribes who owns an allottment or any share of heirship land, or any unencumbered deeded land within the reservations, may voluntarily transfer his interest in such land to the Confederated Tribes in exchange for an assignment to the same land or to other lands of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as "Exchange Assignments."

SEC. 7. Leasing of Exchange Assignments.—Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the Confederated Tribes, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians in the same manner as allotted lands.

SEC. 8. Inheritance of Exchange Assignments.—Upon the death of the holder of any exchange assignment, such land shall be reassigned by the Tribal Council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heirs or devisees who are not members of the Confederated Tribes, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than 320 acres of grazing land, or other land or interests in lands of equal value, either under allotment or under assignment.

(c) Such lands may not be subdivided into units smaller than 160 acres, and no area of agricultural land shall be subdivided into units smaller than two and one-half acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Tribal Council shall issue to the eligible heirs or devisees, grazing permits or other interest in tribal lands of the same value as the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of Section 4 of this Article.

SEC. 9. Inheritance of Improvements.—Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Confederated Tribes, or otherwise disposed of under such regulations as the Tribal Council shall provide. No permanent improvements shall be removed from the land without the consent of the Tribal Council.

SEC. 10. Exchange of Assignments.—Assignments may be exchanged between members of the Confederated Tribes by common consent in such manner as the Tribal Council shall designate.

(a) Use of Unassigned Community Land.—Community land which is not assigned, including community timber reserves, shall be managed by the community council for the benefit of the members of the entire community, and any cash income derived from such land shall accrue to the benefit of the community as a whole.

SEC. 11. Purchase of Land by Community.—Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land under the following conditions:

(a) Land within the Flathead Reservation, or adjacent to the boundaries thereof which is not now in Indian ownership, may be purchased by or for the Confederated Tribes.

(b) Restricted land which is in heirship status at the time of the adoption and approval of this Constitution may be purchased by or for the Confederated Tribes with the consent of all the adult heirs, and the legal guardians of minor heirs, or incompetent heirs, payment therefor to be made as may be agreed upon.

(c) Land owned by any member of the Confederated Tribes who is over the age of 60 years, or who is physically incapacitated, may be transferred by its owner to the Confederated Tribes in exchange for a pension or not more than twice the annual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.

(d) Land in excess of 320 acres owned by any member of the Confederated Tribes, with the consent of the owner, payments to be made under such terms as may be agreed upon.

(e) Land owned by any member of the Confederated Tribes who desires to leave the reservation permanently may be purchased by the Confederated Tribes, under such terms as may be agreed upon.

SEC. 12. Method of Making Assignments.—Applications for assignments shall be filed with the Secretary of the Council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the Secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located, for not less than 20 days before action is taken by the Council.

Any member of the Confederated Tribes wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the Secretary of the Council, and may, if he so desires, appear before the Council to present evidence. The Secretary of the Council shall furnish the Superintendent or other officer in charge of the agency a complete record of all action taken by the Council on the application for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by all members of the Confederated Tribes.

The Council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE IX — REFERENDUM

SECTION 1. Upon a petition of at least one-third (1/3) of the eligible voters of the Confederated Tribes, or upon the request of a majority of the members of the Tribal Council, any enacted or proposed ordinance or resolution of the Council shall be submitted to a popular referendum, and the vote of a majority of the qualified voters in such referendum shall be conclusive and binding on the Tribal Council, provided that at least thirty percent (30%) of the eligible voters shall vote in such election.

ARTICLE X — AMENDMENTS

SECTION 1. This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Confederated Tribes voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty percent (30%) of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of two-thirds of the Council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters, members of the Confederated Tribes.

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BY-LAWS

ARTICLE I — THE TRIBAL COUNCIL

SECTION 1. The Chairman of the Council shall preside over all meetings of the Council, perform all duties of chairman, and exercise any authority detailed to him, and he shall be entitled to vote on all questions.

SEC. 2. The vice chairman shall assist the chairman when called on so to do, in the absence of the chairman shall preside, and when so presiding shall have all the privileges, duties, and responsibilities of the chairman.

SEC. 3. The Council secretary shall forward a copy of the minutes of all meetings to the Superintendent of the Reservation and to the Commissioner of Indian Affairs.

SEC. 4. The duties of all appointed boards or officers of the organization shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such boards and officers shall report from time to time as required to the Council and their activities and decisions shall be subject to review by the Council and their activities and decisions shall be subject to review by the Council upon petition of any person aggrieved.

SEC. 5. Newly elected members who have been duly certified shall be installed at the first regular meeting of the Tribal Council.

SEC. 6. Each member of the Tribal Council and each officer or subordinate officer, elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof, by which oath, he shall pledge himself to support and defend the Constitution of the United States and this Constitution and Bylaws. The following form of oath of office shall be given: "I, --------------------, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, to carry out faithfully and impartially, the duties of my office to the best of my ability; to cooperate, promote, and protect the best interests of my Tribe, in accordance with this Constitution and Bylaws."

SEC. 7. Regular meetings of the Tribal Council shall be held on the first Saturdays of January, April, July, and October, at 9:00 o'clock a.m., at the Flathead Agency.

SEC. 8. Special meetings may be called by a written notice signed by the chairman or a majority of the Tribal Council and when so called the Tribal Council shall have power to transact business as in regular meetings.

SEC. 9. No business shall be transacted unless a quorum is present which shall consist of two-thirds (2/3) of the entire membership.

SEC. 10. Order of business:

(a) Call to order by chairman.
(b) Roll call.
(c) Reading of minutes of last meeting.
(d) Unfinished business.
(e) Reports.
(f) New business.
(g) Adjournment.

SEC. 11. It shall be the duty of each member of the Tribal Council to make reports to the district from which he is elected, concerning the proceedings of the Tribal Council.

SEC. 12. The Tribal Council may prescribe such salaries for officers or members of the Council as it deems advisable, from such funds as may be available.

ARTICLE II — ORDINANCES AND RESOLUTIONS

SECTION 1. All final decisions of the Council on matters of general and permanent interest to the members of the Confederated Tribes shall be embodied in ordinances. Such ordinances shall be published from time to time for the information and education of the members of the Confederated Tribes.

SEC. 2. All final decisions of the Council on matters of temporary interest (such as action on the reservation budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for tribal employees or rules of order for the Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to inspection by members of the Confederated Tribes.

SEC. 3. All questions of procedure (such as acceptance of Committee reports or invitations to outsiders to speak) shall be decided by action of the Council or by ruling of the Chairman, if no objection is heard.

In all ordinances, resolutions or motions the Council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

SEC. 4. Legislative Forms.—Every ordinance shall begin with the words: "Be it enacted by the Council of the Confederated Salish and Kootenai Tribes—."

SEC. 5. Every resolution shall begin with the words: "Be it resolved by the

Council of the Confederated Salish and Kootenai Tribes—."

SEC. 6. Every ordinance or resolution shall contain a recital of the laws of the United States and the provisions of this Constitution under which authority for the said ordinance or resolution is found.

ARTICLE III — RATIFICATION OF CONSTITUTION AND BYLAWS

This Constitution and the attached Bylaws, when adopted by a majority vote of the voters of the Confederated Tribes voting at a special election called by the Secretary of the Interior, in which at least thirty (30) percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

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CERTIFICATE OF ADOPTION

Pursuant to an order, approved September 25, 1935, by the Secretary of the Interior, the attached Constitution and Bylaws were submitted for ratification to the members of the Confederated Salish and Kootenai Tribes of the Flathead Reservation and were on October 4, 1935, duly adopted by a majority vote of the members of said voting in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 14, 1935 (Pub., No. 147, 74th Cong.).

ROY E. COURVILLE,
Chairman of Election Board.

JOSEPH R. BLODGETT,
President of Tribal Council.

LUMAN W. SHOTWELL,
Superintendent and ex officio
Secretary of the Tribal Council.

MARTIN (his thumb mark) CHARLO,
Chief Confederated Salish
Tribe.

PAUL (his thumb mark) KOOS TA-TA,
Chief Kootenai Tribe.

Witnesses to mark:
HENRY MATT.
NICOLAI LASSAW.

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I, Harold I. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or Bylaws are hereby declared inapplicable to the Confederated Salish and Kootenai Tribes of the Flathead Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended October 26, 1935.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

WASHINGTON, D.C.,
October 28, 1935.

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AMENDMENTS TO THE CONSTITUTION AND BY-LAWS OF THE CONFEDERATED TRIBES OF THE FLATHEAD RESERVATION

AMENDMENT I.

ARTICLE VI, Section 1 (h) of the Constitution and By-laws of the Confederated Salish and Kootenai Tribes shall be amended to read as follows:

SECTION 1. The Tribal Council shall have the power, subject to any limitations imposed by the Statutes or the Constitution of the United States, and subject to all express restrictions upon such powers contained in this Constitution and attached Bylaws;

(h) To appropriate for tribal use of the reservation any available applicable funds in the tribal treasury, provided that any such appropriation in excess of $25,000 shall be subject to review by the Secretary of the Interior.

CERTIFICATION OF ADOPTION

Pursuant to an order approved October 14, 1948, by the Assistant Secretary of the Interior, the attached Amendment I to the Constitution and By-laws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, was submitted for ratification to the Indians of the Flathead Reservation and was on December 10, 1948, duly adopted by a vote for 405 for, and 201 against, in an election in which over thirty percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended, by the Act of June 15, 1935 (49 Stat. 378).

WALTER W. McDONALD,
Chairman, Confederated Salish & Kootenai
Tribal Council.

PHIL HAMEL,
Secretary, Confederated Salish & Kootenai
Tribal Council.

C. C. WRIGHT,
Superintendent, Conf. Salish & Kootenai Tribes.

APPROVAL

I, William E. Warne, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve Amendment I to the Constitution and By-laws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana.

Approval recommended: December 21, 1948.

JOHN H. PROVINSE,
Assistant Commissioner.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

WASHINGTON, D.C., December 22, 1948.

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AMENDMENT II

ARTICLE II of the Constitution entitled "Membership" is hereby amended in its entirety to read as follows:

"SECTION 1. Confirmation of Rolls.—The membership of the Confederated Tribes of the Flathead Reservation is confirmed in accordance with the per capita rolls as from time to time prepared.

"SEC. 2. Present Membership.—Membership in the Tribes on and after the date of the adoption of this amendment shall consist of all living persons whose names appear on the per capita roll of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, as prepared for the per capita distribution as shown on the per capita roll paid in February 1959 together with all children of such members, born too late to be included on such per capita roll and prior to the effective date of this section who possess one-fourth (¼) or more Salish or Kootenai blood or both and are born to a member of the Confederated Tribes of the Flathead Indian Reservation. Subject to review by the Secretary of the Interior, the Tribal Council shall make any necessary corrections in this 1959 membership roll so that no one eligible for membership under prior constitutional provisions shall be excluded therefrom.

"SEC. 3. Future Membership.—Future membership may be regulated from time to time by ordinance of the Confederated Tribes subject to review by the Secretary of the Interior. Until and unless an ordinance is adopted any person shall be enrolled as a member who shall (a) apply, or have application made on his behalf, establishing eligibility under this provision; (b) show that he is a natural child of a member of the Confederated Tribes; (c) that he possesses one-quarter (¼) degree or more blood of the Salish or Kootenai Tribes or both, of the Flathead Indian Reservation, Montana; (d) is not enrolled on some other reservation.

"SEC. 4. Adoption.—The Tribal Council shall have the power to enact and promulgate ordinances, subject to review by the Secretary of the Interior, governing the adoption of persons as members of the Confederated Salish and Kootenai Tribes.

"SEC. 5. Loss of Membership.—Membership in the Confederated Tribes may be lost (1) by resignation in writing to the Tribal Council; (2) by enrollment of the member with another Indian tribe; (3) by establishing a legal residence in a foreign country; (4) upon proof of lack of eligibility for enrollment, or fraud in obtaining enrollment, with due notice and opportunity to be heard and to defend before the Tribal Council, subject to appeal to the Secretary of the Interior, whose decision shall be confined to the record made in such proceeding which, if supported by substantial evidence, shall be binding.

"SEC. 6. Definitions.—Wherever the term "Indian Blood" shall have been used herein or in tribal ordinances, unless the context shall require a different meaning, it shall be determined to mean the blood of either or both the Kootenai or the Salish Tribes of the Flathead Reservation.

"SEC. 7. Current Membership Roll.—The membership roll of the Confederated Salish and Kootenai Tribes of the Flathead Reservation shall be kept current by striking therefrom the names of persons who have died or have lost membership pursuant to this Constitution and adding thereto the names of persons who shall have established eligibility or been adopted. The roll so prepared shall be the basis for determining the right of persons whose names appear thereon to share in annual per capita distribution of funds or in any other tribal property, subject to Secretarial approval.

"SEC. 8. Rules of Procedure.—The Tribal Council shall have the authority to prescribe rules to be followed in compiling a membership roll in accordance with the provisions of this article, the completed roll to be approved by the Tribal Council of the Confederated Salish and Kootenai Tribes. In case of distribution of tribal assets, the roll shall be submitted to the Secretary of the Interior for final approval as may be provided by law.

"SEC. 9. Rights of Members are Prospective.—No person shall be entitled to receive a per capita payment or share in any other tribal assets which were distributed prior to the date of his actual enrollment."

CERTIFICATION OF ADOPTION

Pursuant to an order approved January 20, 1960, by the Assistant Secretary of the Interior, the attached amendment to the Constitution of the Confederated Salish and Kootenai Tribes of the Flathead Reservation was submitted for ratification to the qualified voters of the Salish and Kootenai Indian Tribes and was on April 1, 1960 duly ratified by a vote of 762 for, and 187 against, in an election in which at least 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

JEROME HEWANKORN
Vice-Chairman, Tribal Council,
Confederated Salish and Kootenai Tribes

E. W. MORIGEAU
Actg. Secretary, Tribal Council,
Confederated Salish and Kootenai Tribes

CHARLES S. SPENCER
Superintendent, Flathead Agency.

APPROVAL

I, Fred A. Seaton, Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment II to the Constitution of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, to be effective as of April 1, 1960, the date of the ratification by the qualified voters of the tribes.

Approval recommended:

GLENN L. EMMONS
Commissioner, Bureau of Indian Affairs

FRED A. SEATON
Secretary of the Interior

May 5, 1960

[SEAL]

Washington, D. C.

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AMENDMENT III

ARTICLE VIII of the Constitution entitled "Land" is hereby amended in its entirety to read as follows:

"SECTION 1. Land Transactions.—Subject to any limitations imposed by this Constitution and Bylaws, to any applicable Federal statute and to the approval of the Secretary of the Interior, the Tribal Council may:

(1) Purchase or receive by gift or relinquishment land or any interest therein, and may lease, exchange (with or without the giving or receipt of other consideration), encumber, and assign tribal lands or any interest therein; and

(2) Adopt ordinances or resolutions governing any or all such transactions.

"SEC. 2. Saving Clause.—Nothing herein shall be held to impair rights heretofore acquired in any allotment or assignment by any individual."

CERTIFICATION OF ADOPTION

Pursuant to an order approved January 20, 1960, by the Assistant Secretary of the Interior, the attached amendment to the Constitution of the Confederated Salish and Kootenai Tribes of the Flathead Reservation was submitted for ratification to the qualified voters of the Salish and Kootenai Indian Tribes and was on April 1, 1960, duly ratified by a vote of 617 for, and 329 against, in an election in which at least 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

JEROME HEWANKORN
Vice-Chairman, Tribal Council,
Confederated Salish and Kootenai Tribes

E. W. MORIGEAU
Actg. Secretary, Tribal Council,
Confederated Salish and Kootenai Tribes

CHARLES S. SPENCER
Superintendent, Flathead Agency

APPROVAL

I, Fred A. Seaton, Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment III to the Constitution of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, to be effective as of April 1, 1960, the date of the ratification by the qualified voters of the tribes.

Approval recommended:

GLENN L. EMMONS
Commissioner, Bureau of Indian Affairs

FRED A. SEATON
Secretary of the Interior

May 5, 1960
Washington, D. C.

[SEAL]

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AMENDMENT IV

Section 7 of ARTICLE I of the Bylaws entitled "The Tribal Council" is hereby amended to read as follows:

"SEC. 7. Regular meetings of the Tribal Council shall be held on the first Friday of January, April, July, and October, at 9:00 o'clock a.m., at the Flathead Agency."

CERTIFICATION OF ADOPTION

Pursuant to an order approved January 20, 1960, by the Assistant Secretary of the Interior, the attached amendment to the Bylaws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation was submitted for ratification to the qualified voters of the Salish and Kootenai Indian Tribes and was on April 1, 1960, duly ratified by a vote of 825 for, and 117 against, in an election in which at least 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

JEROME HEWANKORN
Vice-Chairman, Tribal Council,
Confederated Salish and Kootenai Tribes

E. W. MORIGEAU
Actg. Secretary, Tribal Council,
Confederated Salish and Kootenai Tribes

CHARLES S. SPENCER
Superintendent, Flathead Agency

APPROVAL

I, Fred A. Seaton, Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment IV to the Bylaws of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, to be effective as of April 1, 1960, the date of the ratification by the qualified voters of the tribes.

Approval recommended:

GLENN L. EMMONS
Commissioner, Bureau of Indian Affairs

FRED A. SEATON
Secretary of the Interior

[SEAL]

May 5, 1960

Washington, D.C.

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CONSTITUTION AND BY-LAWS OF THE TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS, NORTH DAKOTA

Approved June 16, 1959

PREAMBLE

We, the people of the Turtle Mountain Band of Chippewa Indians, of Belcourt, North Dakota, in order to develop and enjoy the advantages of democratic processes and opportunities to promote our general welfare, education, and prosperity, to promote good and law abiding citizens, do ordain and establish this constitution and bylaws for the Turtle Mountain Band of Chippewa Indians.

ARTICLE I — NAME

SECTION 1. The name of this organization shall be the Turtle Mountain Band of Chippewa Indians.

ARTICLE II — JURISDICTION

SECTION 1. The jurisdiction of this organization shall extend to all land on the Turtle Mountain Indian Reservation in the State of North Dakota and to such other lands as may be acquired by or in behalf of said tribe and be added thereto under the laws of the United States.

ARTICLE III — MEMBERSHIP

SECTION 1. The membership in the Turtle Mountain Band of Chippewa Indians shall consist of:

(a) All persons whose names appear on the roll prepared pursuant to Section 2 of the Act of May 24, 1940 (54 Stat. 219), and approved by the Secretary of the Interior on March 15, 1943.

(b) All descendants of persons whose names appear on the roll defined in Section 1 (a) of this article, provided that such descendants possess one-fourth or more Indian blood, and provided further that such descendants are not domiciled in Canada.

SEC. 2. Current Roll. The membership roll shall be kept current by the Secretary of the Interior or his designated representative by striking therefrom the names of deceased persons and adding thereto the names of persons who qualify for membership under Section 1 (b) of this article. A copy of such additions and deletions shall be furnished to the Tribal Council.

SEC. 3. Definition. The word "domicile" as used in this article means a permanent residence.

ARTICLE IV — GOVERNING BODY

SECTION 1. The governing body shall be the Tribal Council and shall consist of nine members, eight of whom shall be district representatives and one shall be chairman elected by the tribe as a whole, regardless of the districts. Each district shall also elect, at regular tribal election, a district sub-council to consult with, make recommendations to and advise the Tribal Council on all matters of local or tribal interest. Such district sub-council shall be composed of three members of the Tribe living within the district for which elected who shall serve without pay. Vacancies on such sub-council shall be filled by the people of the district at the district meeting following occurrence of the vacancy. Any certification by two members of the sub-council shall be deemed to constitute the decision of such sub-council. Sub-council members shall hold office for two years.

SEC. 2 The Tribal Council shall have authority to regulate its own procedures, to appoint a Vice-Chairman from its membership, to act in the absence or disability of the Chairman, to appoint subordinate committees, delegates, and employees not otherwise provided for in this constitution, and to provide tenure and duties; provided, that any delegation of authority described in this constitution shall be granted only by written resolution or ordinance and shall be withdrawn in the same manner. The Sub-Council shall meet with the people of the district for which elected once a month prior to the regular meeting of the Tribal Council, and it shall present the findings and results of any such meeting to the District Councilmen to be brought up at the next regular meeting of the Tribal Council.

ARTICLE V — NOMINATION AND ELECTIONS

SECTION 1. All elections shall be by secret ballot and a majority vote shall rule.

SEC. 2. (a) Any enrolled member of the tribe, 21 years of age or over, shall be entitled to vote in any election provided they have resided in the district for a period of 90 days immediately prior to a given election.

(b) All eligible resident voters shall register in the district of their residence as provided by tribal ordinance. All eligible nonresident voters shall register with the district of their former residence or affiliation.

SEC. 3. Absentee ballots shall be furnished to eligible nonresident members upon their request to the Secretary-Treasurer provided that all such ballots shall be returned to the Secretary-Treasurer on or before the date of the election in order that the ballots may be counted.

SEC. 4. (a) A qualified member to be eligible to become a candidate as a district representative or as an officer shall be 25 years of age or over, having resided in the district for any one year.

(b) Eligible candidates shall file their notice of intent to run for office with the Secretary-Treasurer of the Tribal Council, identifying the office for which he is a candidate at least 15 days before the election date. The Secretary-Treasurer shall post a list of eligible candidates at least 12 days before the election in each voting district.

SEC. 5. Tribal elections shall be held the second Monday in May in even numbered years commencing as of May, 1962.

SEC. 6. The Reservation shall consist of 4 districts. The 4 districts are described as follows:

(a) District I - Fishlake road East to the town of Rolla and open North and South. Two Representatives.

(b) District 2 - Fishlake road West to Rolette road, and open North and South. Two Representatives.

(c) District 3 - Rolette road West to Suckerlake road or Moran road, and open North and South. Two Representatives.

(d) District 4 - Suckerlake road or Moran road West to St. Paul Butte, open North and South. Two Representatives.

Votes for candidates for district representative shall be confined to the eligible voters of the district the candidate is to represent.

SEC. 7. District representatives to the Tribal Council shall be elected in even numbered years commencing in the year 1962, and shall hold office for two years and each district shall be entitled to elect two representatives.

ARTICLE VI — OFFICERS AND THEIR DUTIES

SECTION 1. There shall be the following Tribal officers: A chairman, vice-chairman, and a secretary-treasurer. The chairman shall be elected on a reservation-wide or at large basis for a term of two (2) years or until a successor shall have been elected and qualified. The vice-chairman shall be elected from within the Tribal Council and his only duty shall be to serve as presiding officer of the Council in the absence of the chairman. The secretary-treasurer shall be selected by vote of the Tribal Council and the chairman shall vote on same also if his vote is necessary to break a tie.

SEC. 2 Chairman. He shall preside at all regular and special meetings. He shall vote only in the case of a tie. He shall see that all resolutions and ordinances of the Tribal Council are carried into effect. He shall exercise general supervision of all other officers and employees and see that their respective duties are performed. He shall be the chief executive officer of the tribe.

SEC. 3. Secretary-Treasurer. He shall keep the minutes at the principal office of the Tribal Council of all meetings of the Tribal Council. He shall keep the tribal roll, showing all changes therein as required by this constitution or ordinance duly approved by the Tribal Council. He shall attend to all correspondence, distribution of tribal information or other duties incidental to his office including the reproduction of minutes, resolutions and ordinances and see to their distribution within the deadlines, if there be deadlines. He shall keep and maintain adequate and correct accounts of the properties and business transactions of the Tribal Council. He shall have care and custody of the funds and valuables of the Tribal Council and deposit same in the name of and to the credit of the Band with such depositors as the Tribal Council may direct and which are acceptable to the Area Director. Disburse funds of the Tribal Council as may be ordered by the Tribal Council, taking proper signed invoices, vouchers or other recordable data. Render to the Tribal Council a monthly statement and report of all his transactions as Treasurer and render also an annual financial statement in the form and with the detail required by the Tribal Council.

ARTICLE VII — TRIBAL COUNCIL PROCEDURES

SECTION 1. A regular monthly meeting shall be held as set by the Tribal Council. The Chairman or any three members of the Tribal Council may call special meetings.

SEC. 2. A quorum shall consist of 5 members and no business shall be conducted in the absence of a quorum.

SEC. 3. The Tribal Council shall cause to be installed, maintained and audited, a complete and detailed accounting system.

SEC. 4. All officers and employees of the tribe responsible for the safety of property and money shall be bonded in an amount sufficient to insure the tribe from loss.

SEC. 5. The newly elected district representatives (councilmen) and officers shall be installed in office at the first regular meeting of the Tribal Council after certifications of their election have been issued by the Secretary-Treasurer.

SEC. 6. The duties of any and all other officers or employees shall be prescribed by the Tribal Council. At all general or special meetings of the Tribal Council the members of the Tribal Council shall be paid at hourly rates set by resolution of the Tribal Council. All other officers will be paid by month.

ARTICLE VIII — REFERENDUM AND RECALL

SECTION 1. Upon receipt of a petition by 20 percent of the resident voters, or by an affirmative vote of five members of the Tribal Council any enacted or proposed resolution or ordinance of the Tribal Council shall within 30 days be submitted to a referendum of the eligible voters of the Turtle Mountain Band of Chippewa Tribe. The majority of the votes cast in such referendum shall be conclusive and binding on the Tribal Council and if the resolution or ordinance is rejected by such vote, such resolution or ordinance shall be null and void, as of the date of the referendum, and shall not be reconsidered for a period of at least six months. The Tribal Council shall call such referendum and prescribe the manner of conducting the vote,

SEC. 2. The Tribal Council shall enact ordinances which shall prescribe regulations, charges, and reasons for removal or recall of a district representative or officer. The grounds for removal, right of petition, and other factors shall be carefully framed to protect the interest of the Turtle Mountain Band of Chippewa Indians.

SEC. 3. The Tribal Council by an affirmative vote of the majority shall appoint a replacement to fill any of a district representative or other elected officer, caused by removal, death, or resignation, provided the term of the replacement shall not extend beyond the next regular election regardless of the length of the unexpired term. In the filling of a vacancy for district councilmen, the Tribal Council shall be governed by the sub-council of the district affected, provided such sub-council shall certify a choice to fill the vacancy within 30 days after same occurs.

ARTICLE IX — POWERS OF THE TRIBAL COUNCIL

The Tribal Council shall exercise the following powers, subject to any limitations imposed by this Constitution and Bylaws or the laws and regulations of the Federal Government.

(a) Governmental Powers:

SECTION 1. To represent the Band and to negotiate with the Federal, State, and local governments and with private persons.

SEC. 2. To employ legal counsel, subject to the approval of the Secretary of the Interior, or his duly authorized representative, so long as such approval is required by Federal law.

SEC. 3. To regulate and license where permitted by law all business and professional activities conducted upon the reservation, provided that any assessment upon non-members trading or residing within the jurisdiction of the Band shall be subject to review of the Secretary of the Interior, or his duly authorized representative, where required by law.

SEC. 4. To enact ordinances to remove from the reservation persons not legally entitled to reside thereon and whose presence may be injurious to the peace, happiness or welfare of the members of the Band, subject to the review of the Secretary of the Interior, or his duly authorized representative.

SEC. 5. To enact ordinances, subject to the review of the Secretary of the Interior, or his duly authorized representative, governing conduct of the members of the Band and Indians from other tribes on the reservation, providing for the maintenance of law and order and the administration of justice by establishing a police force and a tribal court and defining their powers and duties; and regulating the inheritance of property of the members of the Band except trust land.

SEC. 6. To enact ordinances to provide rules and regulations governing fishing, hunting and trapping on the reservation.

(b) Administrative Powers:

SEC. 7. (a) To administer any funds within the control of the Band; to make expenditures from available funds for tribal purposes, including salaries and expenses of tribal officials or employees. All expenditures of tribal funds under the control of the Tribal Council shall be authorized by resolution duly enacted by the Tribal Council in legal session and the amounts so expended shall be a matter of public record to the members of the Band at all reasonable time.

SEC. 8. The Tribal Council of the Band shall prepare annual budget requests for the advancement to the control of the Band such money as now or hereafter be deposited to the credit of the Band in the United States Treasury or which may hereafter be appropriated for the use of the Band.

SEC. 9. To deposit to the credit of the Band of Chippewa Indians tribal funds, without limitation on the amount in any account, in any approved National or State Bank whose deposits are insured by an agency of the Federal Government; or with a bonded disbursing officer of the United States whenever the conditions prescribed by the Secretary of the Interior, or his authorized representative, in connection with such advances require the advance to be so deposited.

(c) Business Powers:

SEC. 10. To manage, lease, permit, or otherwise deal with tribal land, interest in lands and other lands or assets under tribal jurisdiction; and to purchase or otherwise acquire lands, or interests in lands within the Turtle Mountain Reservation, in accordance with law; or dispose of such land, or interest in lands, as authorized by laws.

SEC. 11. To engage in any business that will further the economic well-being of the members of the tribe, or to undertake any programs or projects designed for the economic advancement of the people.

SEC. 12. To borrow money from the Federal Government, or other source and to direct the use of such funds for productive purposes, or to loan the money thus borrowed to members of the tribes, with the approval of the Secretary of the Interior, or his authorized representative.

SEC. 13. To pledge or assign chattel or future income due or to become due, provided such agreement, pledge, assignment, or extension thereof shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

SEC. 14. To make and perform contracts and agreements of every description, not inconsistent with law or the provisions of this constitution and bylaws, provided that any contract shall be subject to the approval of the Secretary of the Interior, or his authorized representative.

ARTICLE X — FUTURE AND RESERVED POWERS

SECTION 1. The Tribal Council may exercise such powers as may in the future be granted to the Council by members of the Turtle Mountain Band or the Secretary of the Interior or by any other duly authorized official or agency of the Federal Government, provided such power is accepted by the tribe by appropriate amendment of this constitution.

SEC. 2. Any right of power heretofore vested in the Turtle Mountain Band of Chippewa Indians, but not expressly referred to in this constitution, shall remain in the Band, and may be exercised by the Turtle Mountain Band of Chippewa Indians or by the Tribal Council through the adoption of appropriate constitutional amendment if that be the wishes of the people.

ARTICLE XI — MANNER OF REVIEW

SECTION 1. Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior shall within 10 days of its enactment be presented to the Superintendent of the Turtle Mountain Agency who shall within 10 days after its receipt by him approve or disapprove it.

SEC. 2. If the Superintendent approves any resolution or ordinance, it shall thereupon become effective, but the Superintendent shall transmit the enactment bearing his endorsement to the Secretary of the Interior, who may, within 90 days of the date of its enactment rescind the resolution or ordinance for any cause by notifying the Turtle Mountain Tribal Council of his veto.

SEC. 3. If the Superintendent disapproves any resolution or ordinance, he shall within 10 days after its receipt by him advise the Tribal Council of his reasons therefor, and if these reasons appear to the Council insufficient, it may, by vote of the five members, refer the resolution or ordinance to the Secretary of the Interior, and if approved by him in writing it shall become effective.

ARTICLE XII — ADOPTION

SECTION 1. (a) This revised constitution, when adopted by a majority vote of the tribal members voting at a special meeting called by the Secretary of the Interior, shall be submitted to the Secretary of the Interior, and shall be in full force and effect from the date of such approval.

ARTICLE XIII — AMENDMENT

SECTION 1. This constitution and bylaws may be amended by a majority of the qualified voters of the Turtle Mountain Band of Chippewa Indians at an election called for that purpose; provided that at least 20 percent of the resident voters of the tribe entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior or his delegated representative.

SEC. 2. It shall be the duty of the Tribal Council to call such election on any proposed amendment upon receipt of a petition signed by 20 percent of the qualified resident voters of the tribe or the Tribal Council may call such an election by an affirmative vote of five members of the Tribal Council.

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APPROVAL

I, Fred G. Aandahl, Assistant Secretary of the Interior of the United States of America, as required in Article XII, Section 1 of the Revised Constitution and Bylaws of the Turtle Mountain Band of Chippewa Indians of North Dakota, hereby approve said document to be effective on the date of this approval.

Approval recommended:

GLENN L. EMMONS
Commissioner of Indian Affairs

FRED G. AANDAHL
Assistant Secretary of the Interior

[SEAL]

Washington, D. C.

June 16, 1959

***

REVISED CONSTITUTION AND BY-LAWS OF THE DEVILS LAKE SIOUX TRIBE, FORT TOTTEN, NORTH DAKOTA

Approved May 5, 1960

PREAMBLE

We, the members of the Devils Lake Sioux Tribe, in order to promote justice, insure tranquility, encourage the general welfare, safeguard our interests and secure the blessings of freedom and liberty for ourselves and for our posterity, do hereby amend and revise our tribal Constitution, reorganize our Tribal Council, and we do ordain and establish this Constitution and set of Bylaws as the rules for its deliberation.

ARTICLE I — NAME

The name of this organization shall be the Devils Lake Sioux Tribe.

ARTICLE II — JURISDICTION

The jurisdiction of this organization shall extend to all land on the Devils Lake Sioux Reservation in the State of North Dakota and to such other lands as may be acquired by or in behalf of said tribe and added thereto under the laws of the United States.

ARTICLE III — MEMBERSHIP

SECTION 1. The membership of the Devils Lake Sioux Tribe shall consist of:

(a) All persons of Indian blood whose names appear on the official Census Roll of the Tribe as of January 1, 1944.

(b) Any child of one-fourth or more degree Indian blood born to any male member of the Devils Lake Sioux Tribe shall be entitled to membership regardless of his parents residence.

(c) Any child who is a descendant of any member of the Devils Lake Sioux Tribe, and which child is determined to be one-fourth or more degree Indian blood, may be admitted to membership by a majority vote of the Tribal Council.

(d) Applications for membership shall be submitted by the applicant or his parent or guardian to a Committee on Membership, which shall act on the same. The action of the Committee may be appealed by any tribal member to the Tribal Council.

SEC. 2. The Tribal Council shall have the power to promulgate ordinances, subject to the approval of the Secretary of the Interior or his delegated representative, covering present and future membership and the adoption of new members.

ARTICLE IV — GOVERNING BODY

SECTION 1. The governing body of the Devils Lake Sioux Tribe shall be the Tribal

Council and shall consist of four district (councilmen) representatives and two officers.

SEC. 2. In addition to the four district representatives, the tribe, as a whole, shall elect a Chairman and a Secretary-Treasurer who shall be elected by popular vote regardless of district.

SEC. 3. The Tribal Council shall have authority to regulate its own procedures, to appoint a Vice-Chairman to act in the absence of the Chairman, to appoint subordinate committees, delegates, boards, tribal officials and employees not otherwise provided for in this Constitution and Bylaws and to provide their tenure and duties; provided, that any delegation of authority described in this Constitution and Bylaws shall be granted only by written resolution or ordinance and shall be withdrawn in the same manner.

SEC. 4. The Tribal Council shall have the power to re-district the Devils Lake Sioux Reservation and to apportion the representatives, subject to the vote of the Reservation Indians, whenever such action is deemed advisable by the Tribal Council.

ARTICLE V — NOMINATIONS AND ELECTIONS

SECTION 1. All elections shall be by secret ballot and a majority vote shall rule.

SEC. 2. (a) Any enrolled member of the tribe, 21 years of age or over shall be entitled to vote in any election, provided they have resided on the Reservation for a period of one year immediately prior to a given election.

(b) All eligible resident voters shall register with the district of their residence at the time of election.

SEC. 3. (a) A qualified voter to be eligible to become a candidate as a district representative or as an officer shall be 25 years of age or over.

(b) Eligible candidates shall file their notice of intent to run for office with the Secretary of the Tribal Council, identifying the office for which he is a candidate at least 15 days before the election date. The Secretary-Treasurer shall post a list of eligible candidates at least 12 days before the election in each voting district.

SEC. 4. (a) The Reservation shall consist of two districts and shall have representatives as follows:

Crow Hill - Fort Totten	2 representatives
Mission-Wood Lake	2 representatives

(b) Votes for candidates for district representatives shall be confined to the eligible voters of the district the candidate is to represent. Votes for officers shall be on a reservation-wide or at-large basis.

(c) The two districts are described as follows:

Crow Hill - Fort Totten District

All territory within the confines of the Reservation lying west of the Ski Hill and Road No. 3 known as the Sheyenne Road.

Mission-Wood Lake District

All territory within the confines of the Reservation lying east of Ski Hill and Road No. 3 known as the Sheyenne Road.

SEC. 5. (a) Incumbent officers of the old constitution shall hold office until the first Monday of May following approval of this Constitution and By-laws.

(b) Successful candidates shall hold office for four years.

(c) The first election and all succeeding elections of the governing body shall be held on the first Tuesday after the first Monday in May.

ARTICLE VI — GOVERNMENTAL AUTHORITIES

The Tribal Council of the Devils Lake Sioux Tribe shall exercise the following powers, subject to any limitations imposed by this Constitution and ByLaws or the laws and regulations of the Federal Government.

SECTION 1. The Tribal Council, or its authorized officers or delegates, on behalf of the Devils Lake Sioux Tribe, shall have the sole right and authority to represent the tribe and to negotiate with the Federal, State, and local governments and with private persons and to make decisions not contrary to this Constitution and Bylaws or with existing Federal laws.

SEC. 2. To employ legal counsel, subject to the approval of the Secretary of the Interior, or his duly authorized representatives, so long as such approval is required by Federal law.

SEC. 3. To regulate and license where permitted by law, all business and professional activities conducted upon the Reservation, provided that any assessment upon non-members, trading or residing within the jurisdiction of the tribe, shall be subject to review of the Secretary of the Interior or his duly authorized representative, where required by law.

SEC. 4. To enact ordinances to regulate the conduct and domestic relations of the members of the tribe, or Indians from other tribes on the Reservation, subject to the review of the Secretary of the Interior, or his duly authorized representative.

SEC. 5. To assess members to obtain funds with which to pay the expenses of any tribal activity.

SEC. 6. To administer any funds within the control of the tribe; to make expenditures from available funds for tribal purposes, including salaries and expenses of tribal officials or employees.

All expenditures of tribal funds under the control of the Tribal Council shall be authorized by resolution duly enacted by the Tribal Council in legal session and the amounts so expended shall be a matter of public record to the members of the tribe at all reasonable time.

SEC. 7. To prepare annual budget requests for the advancement to the control of the tribe such money as now or may hereafter be deposited to the credit of the tribe in the United States Treasury or which may hereafter be appropriated for the use of the tribe.

SEC. 8. To deposit to the credit of the Devils Lake Sioux Tribe all tribal funds, without limitation on the amount in any account, in any approved National or State Bank whose deposits are insured by an Agency of the Federal Government; or with a bonded disbursing officer of the United States whenever the conditions prescribed by the Secretary of the Interior or his authorized representative in connection with such advances require the advance to be so deposited.

SEC. 9. To manage, lease or otherwise deal with tribal lands and tribal resources with existing Federal laws.

SEC. 10. To engage in any business that will further the economic well-being of the members of the Devils Lake Sioux Tribe.

SEC. 11. To enact ordinances to provide rules and regulations governing fishing, hunting and trapping on the Devils Lake Sioux Reservation.

ARTICLE VII — FUTURE AND RESERVED POWERS

SECTION 1. The Tribal Council of the Devils Lake Sioux Tribe may exercise such future powers as may in the future be granted to the Council by members of the tribe or the Secretary of the Interior or by any other duly authorized official or agency of the Federal Government.

ARTICLE VIII — MANNER OF REVIEW

SECTION 1. Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior shall within 10 days of its enactment be presented to the Superintendent of the Turtle Mountain Agency or other authorized official who shall within 10 days after its receipt by him approve or disapprove it.

SEC. 2. If the Superintendent approves any resolution or ordinance, it shall thereupon become effective, but the Superintendent shall transmit the enactment bearing his endorsement to the Secretary of the Interior whomay, within 90 days of the date of its enactment rescind the resolution or ordinance for any cause by notifying the Devils Lake Sioux Tribal Council of his veto.

SEC. 3. If the Superintendent disapproves any resolution or ordinance he shall, within 10 days after its receipt by him, advise the Tribal Council of his reasons therefor, and if these reasons appear to the Council insufficient it may, by vote of the majority of all members, refer the resolution or ordinance to the Secretary of the Interior, and if approved by him in writing, it shall become effective.

ARTICLE IX — REFERENDUM AND RECALL

SECTION 1. Upon receipt of a petition by 20 percent of the resident voters, or by an affirmative vote of four members of the Tribal Council, any enacted or proposed resolution or ordinance of the Tribal Council shall be submitted to a referendum of the eligible voters of the Devils Lake Sioux Tribe. The majority of the votes cast in such referendum shall be conclusive and binding of the Tribal Council. The Tribal Council shall call such referendum and prescribe the manner of conducting the vote.

SEC. 2. The Tribal Council shall enact an ordinance which shall prescribe regulations, charges and reasons for removal or recall of a district representative or officer. The grounds for removal, right of petition, and other factors shall be carefully framed to protect the interest of the Devils Lake Sioux Tribe.

SEC. 3. The Tribal Council by an affirmative vote of the majority shall appoint a replacement to fill any vacancy of a district representative (councilmen) or officer, caused by removal, death or resignation, provided the term of the replacement shall not extend beyond the next regular election regardless of the length of the unexpired term.

ARTICLE X — ADOPTION AND AMENDMENT

SECTION 1. This Revised Constitution and Bylaws, when adopted by a majority vote of at least 20 percent of the qualified voters of the Devils Lake Sioux Tribe, voting at a special election called and supervised by the Constitutional Committee and the Superintendent or his delegated representative, shall be submitted to the Secretary of the Interior and shall be in force and effect from the date of approval.

SEC. 2. (a) This Constitution and Bylaws may be amended by a majority of the qualified voters of the Devils Lake Sioux Tribe at an election called for that purpose; provided that at least 20 percent of the qualified resident voters of the tribe shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior or his delegated representative.

(b) It shall be the duty of the Tribal Council to call such election on any proposed amendment upon receipt of a petition signed by 20 percent of the qualified resident voters of the tribe or the Tribal Council may call such an election by an affirmative vote of four members of the Tribal Council.

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BY-LAWS

ARTICLE I — TRIBAL COUNCIL

SECTION 1. A regular monthly meeting of the governing body shall be set by the Tribal Council. The Chairman shall call all special meetings.

SEC. 2. A quorum shall consist of four members and no business shall be conducted in the absence of a quorum.

SEC. 3. The Tribal Council shall cause to be installed, maintained and audited, a complete and detailed accounting system.

SEC. 4. All officers and employees of the Council responsible for the safety of property and money shall be bonded in an amount sufficient to insure the tribe from loss.

SEC. 5. The newly elected district representative (councilmen) and officers shall be installed in office at the first regular meeting of the Tribal Council after certificates of their election have been issued.

ARTICLE II — DUTIES OF OFFICERS

SECTION 1. Chairman. He shall preside at all meetings, regular and special. He shall vote only in the case of a tie. He shall see that all resolutions and ordinances of the Tribal Council are carried into effect. He shall exercise general supervision of all other officers and employees and see that their respective duties are performed.

SEC. 2. Secretary-Treasurer. He or she shall keep the minutes of the principal office of the Tribal Council of all meetings of the Tribal Council. He or she shall keep the Tribal Rolls, showing all changes therein as required by this Constitution or ordinances duly approved by the Tribal Council. He or she shall attend to all correspondence, distribution of tribal information or other duties incidental to this office including the reproduction of minutes, resolutions and ordinances and see to their distribution within deadlines, if there be deadlines. He or she shall also keep and maintain adequate and correct accounts of the properties and business transactions of the Tribal Council. He or she shall have care and custody of funds and valuables of the Tribal Council and deposit same in the name of and to the credit of the Devils Lake Sioux Tribe with such depositors as the Tribal Council may direct and which are acceptable to the Area Director. Disburse funds of the Tribal Council as may be ordered by the Tribal Council, taking proper signed invoices, vouchers or other recordable data, render to the Tribal Council a monthly statement and report of all his transactions as Secretary-Treasurer and render also an annual financial statement in the form and with the detail required by the Tribal Council.

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CERTIFICATION OF ADOPTION

We, the undersigned, chairman and secretary of the Devils Lake Sioux Tribe, respectively hereby certify that the general tribal election held May 5, 1960, in the conference room at the Fort Totten Sub-Agency office for the purpose of electing the Executive Committee officers and also for the purpose of gaining preliminary information about the adoption of the proposed changes to the Devils Lake Sioux Tribal Constitution and By-Laws, followed democratic procedures and the vote was as follows:

For Changing the Constitution.............	53
Against Changing the Constitution.........	43

The total number of votes cast on this issue was 96 with the majority of the votes cast in favor of adopting the changes to the constitution and by-laws.

LEWIS GOODHOUSE
Chairman, DLS Executive Committee

LILLIE BELGARDE
Secretary, DLS Executive Committee

WITNESSED:

EDDIE J. ALBERTS

JAMES S. YANKTON

Dates this 27 day of June, 1960

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APPROVAL

I, John O. Crow, Commissioner of Indian Affairs, hereby approve the attached Revised Constitution and Bylaws of the Devils Lake Sioux Tribe, Fort Totten, North Dakota, which was adopted by the tribal voters at a general election held May 5, 1960, by a vote of 53 for and 43 against. This approval to be effective May 5, 1960.

JOHN O. CROW
Acting Commissioner

Washington, D.C.

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CORPORATE CHARTER OF THE THREE AFFILIATED TRIBES

OF THE FORT BERTHOLD RESERVATION, NORTH DAKOTA
[Arikara, Gros Ventre, and Mandan]

Ratified April 24, 1937

Whereas, the Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota are a recognized Indian tribe organized under a Constitution and By-Laws ratified by the Tribe on May 15, 1936, and approved by the Secretary of the Interior on June 29, 1936, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984),as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the Reservation;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934, (48 Stat. 984), do hereby issue and submit this Charter of Incorporation to the Three Affiliated Tribes of the Fort Berthold Reservation to be effective from and after such time as it may be ratified by a majority vote in an election at which at least 30 percent of the adult Indians living on the Reservation shall vote.

1. Corporate Existence and Purposes. In order to further the economic development of the Three Affiliated Tribes of the Fort Berthold Reservation in North Dakota by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name of "The Three Affiliated Tribes of the Fort Berthold Reservation".

2. Perpetual Succession. The Three Affiliated Tribes of the Fort Berthold Reservation shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Three Affiliated Tribes shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Tribal Business Council of the Three Affiliated Tribes established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers in addition to all powers already conferred or guaranteed by the tribal Constitution and By-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest or otherwise, own, hold, manage, operate and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the corporation of any land, interest in land, including water rights, oil, gas, and other mineral rights now or hereafter held by the tribal corporation, unless specifically authorized by law and then only with the consent and approval of the Secretary of the Interior.

(2) No authority is hereby granted to sell, mortgage or lease for a period exceeding that authorized by law any land within the reservation and all leases, permits or other contracts relating to lands within the reservation must be approved by the Secretary of the Interior or his duly authorized representative.

(3) No action shall be taken by or in behalf of the corporation, which conflicts with the regulations authorized by Section 6 of the Act of June 18, 1934, or in any way operates to destroy or injure the tribal grazing land, timber or other natural resources.

(c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from any source for any purpose not inconsistent with law, regulations of the Secretary of the Interior, the tribal constitution or this charter: Provided, that any agreement covering a loan to the tribes which involves the pledge or assignment of chattels, future tribal income or other tribal assets as security therefor shall be subject to the approval of the Secretary of the Interior; and provided further that any contract involving payment of money by the corporation in excess of $50,000 in any one fiscal year shall be subject to the approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provision of this Charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of North Dakota including agreements with the State of North Dakota for the rendition of public services: Provided, That any contract involving payment of money by the corporation in excess of $50,000 in any 1 fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge or assign chattels or tribal income due or to become due to the Tribe: Provided, That such assignments of tribal income, other than assignments to the United States, shall not extend more than 10 years from the date of execution and shall not exceed $50,000.00 in any one year: And provided further, That any such pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit, to the credit of the Three Affiliated Tribes of the Fort Berthold

Reservation, North Dakota, corporate funds, without limitation on the amount in any account, in any National or State bank whose deposits are insured by any agency of the Federal government: Provided, that funds advanced from the Indian Credit Fund or from funds of the corporation held in trust in the United States Treasury shall be deposited with a bonded disbursing officer of the United States whenever the conditions prescribed by the Secretary of the Interior or his authorized representative, in connection with such advance, require that the advance be so deposited.

(i) To sue and to be sued in courts of competent jurisdiction with the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or signed.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon the request of the Tribal Business Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) (3), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Tribe. The termination shall be effective upon ratification by a majority vote at an election in which at least 30 percent of the adult members of the Tribe residing on the reservation shall vote. If any time after 10 years from the effective date of this Charter such request shall be made, and the Secretary shall disapprove it or fail to approve or disapprove it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior or by the Tribal Business Council to popular referendum of the adult members of the Tribe actually living within the Reservation and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

7. Corporate Property. No property rights of the Three Affiliated Tribes, as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, all profits of corporate enterprise over and above sums necessary to defray corporate obligations and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. No such distribution of profits in any 1 year amounting to more than $10 in any 1 year per capita payment shall be made without the approval of the Secretary of the Interior. No distribution of the financial assets of the Tribe shall be made except as provided herein or as authorized by Congress.

9. Corporate Accounts. The officers of the Tribe shall maintain accurate and com-

plete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

10. Amendments. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the Reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

11. Ratification. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Three Affiliated Tribes living on the Fort Berthold Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Fort Berthold Agency and the Chairman of the Tribal Business Council.

Submitted by the Secretary of the Interior for ratification by the Three Affiliated Tribes of the Fort Berthold Reservation in a popular referendum to be held on April 24, 1937.

HAROLD L. ICKES,
Secretary of the Interior

[SEAL]

WASHINGTON, D.C., April 1, 1937.

***

CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934 (48 Stat. 984), this charter, issued on April 1, 1937, by the Secretary of the Interior to the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, was duly submitted for ratification to the adult Indians living on the reservation and was on April 24, 1937, duly ratified by a vote of 407 for, and 118 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

ARTHUR MANDAN,
Chairman of the Tribal Business Council.

W. R. BEYER,
Superintendent in charge of the reservation.

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CONSTITUTION AND BY-LAWS OF THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION, NORTH DAKOTA

Approved June 29, 1936
As amended October 16, 1956, and December 22, 1961

PREAMBLE

We, the Arickara, Gros Ventres, and Mandan Indians of the Fort Berthold Reservation, in North Dakota, eagerly embrace the opportunities for self-rule, and in order to enjoy the blessings of liberty and justice; to intelligently protect our vested rights under existing treaties and the constitution of the United States; to guarantee to our posterity a more hopeful future; to preserve and develop our real estate and resources; to promote educational efficiency for the enhancement of good citizenship; to promote the general welfare of the three tribes; to make possible a more hopeful, self-sustaining, and honorable living, socially and economically, do, with deep consciousness of God, as our sovereign, ordain and establish this constitution for the Three Affiliated Tribes of this reservation.

ARTICLE I — TERRITORY

The jurisdiction of the Three Affiliated Tribes of the Fort Berthold Reservation shall extend to Indian Trust and Tribal lands within the confines of the Fort Berthold Reservation, as defined in the treaty of September 17, 1851; to lieu lands outside of such boundaries; and to such other lands, within or without such boundaries, as have been or may be hereafter added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Three Affiliated Tribes of the Fort Berthold Reservation shall consist of all persons of Indian blood whose names appear on the official census roll of the three tribes as of April 1, 1935; and all children born to any member of the tribes who is a resident of the reservation at the time of the birth of said children.

SEC. 2. The Tribal Business Council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership, the adoption of new members and the revision of the membership rolls from time to time as determined by such ordinances.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Three Affiliated Tribes of the Fort Berthold Reservation shall be known as the Tribal Business Council.

SEC. 2. The Tribal Business Council shall consist of 10 members elected from segments of the Reservation as follows:

Western Segment	3 Representatives
Northern Segment	1 Representative

Northeastern Segment	1 Representative
Eastern Segment	3 Representatives
Southern Segment	2 Representatives

SEC. 3. The boundaries of the segments shall be described as follows:

Western - That part of the reservation bounded on the East by the Garrison Reservoir and on the South by the Little Missouri River arm of the Garrison Reservoir.

Northern - That part of the reservation bounded on the West and South by the Garrison Reservoir and on the East by the Shell Creek arm of the Garrison Reservoir.

Northeastern - That part of the reservation bounded on the West by the Shell Creek arm of the Garrison Reservation and on the South by the Lucky Mound Creek arm of the Garrison Reservoir.

Eastern - That part of the reservation bounded on the South and West by the Garrison Reservoir and on the West and North by the Lucky Mound Creek arm of the Garrison Reservoir.

Southern - That part of the reservation bounded on the North by the Garrison Reservoir and on the North and West by the Little Missouri River arm of the Garrison Reservoir.

SEC. 4. The Tribal Business Council shall have the authority to change the segment boundaries, subject to the approval of the voters of the reservation at any regular or special election.

SEC. 5. Within 3 days after the election for councilmen has been held, the newly elected Tribal Business Council shall meet and organize by electing a chairman, a vice chairman, a secretary, and a treasurer from its own members; and from within or outside its own members, it may elect or appoint a sergeant-at-arms and such other officers and committees as it may find necessary.

SEC. 6. The members of the Tribal Business Council shall hold office until the next regular election and until their successors are elected or appointed and qualified.

ARTICLE IV — NOMINATIONS AND ELECTIONS

SECTION 1. All elections shall be by secret ballot.

SEC. 2 (a). Any member of the Three Affiliated Tribes of the Fort Berthold Reservation, who is 21 years of age or over, shall be entitled to vote at any election.

SEC. 2 (b). Absentee ballots will be furnished to any enrolled non-resident member of the tribes upon request to the tribal secretary made 10 days before the election. The ballot must be returned to and reach the tribal secretary on or before the date of the election in order that it may be counted.

SEC. 3 (a). Not less than 20 days nor more than 30 days after the date on which this amendment becomes effective an election shall be held. At said election representatives to the Tribal Business Council from the segments as described herein shall be elected to serve until September 1958. Thereafter, the regular election of a Tribal Business Council shall be held on the first Tuesday of September in even numbered years.

SEC. 3 (b). Notice of regular elections shall be given by the secretary of the Tribal Business Council who shall give to all enrolled members of the tribe 30 days notice of the time and place of the regular election. In the event the tribal secretary shall fail to give the appropriate notice, or in case a regular election has not been held, the Secretary of the Interior, upon the receipt of a petition signed by at least 30 percent of the adult members of the tribe, shall call such election and give 25 days notice, setting the time and place.

SEC. 4. Special elections may be called by a two-thirds vote of the Tribal Business Council in favor of such special election, or by a petition signed by at least 10 percent of the qualified voters of each community as provided in Article VIII.

SEC. 5. All elections shall be held under the supervision of the Tribal Business Council or an election board appointed by that Council, and the Tribal Business Council or the election board appointed by it, shall make rules and regulations governing all elections, and shall designate the polling places and the election officers.

SEC. 6. In the first election after the adoption of this amendment any qualified voter of the Three Affiliated Tribes of the Fort Berthold Reservation who is a bona fide resident of one of the segments described herein may become a candidate to represent said segment on the Tribal Business Council by filing a notice of his candidacy with the Secretary of the Tribal Business Council at least 15 days before the election in which he is to be a candidate. In all succeeding elections a qualified voter to be eligible to become a candidate must have resided in the segment he proposes to represent for a period of at least six months next preceding the date of the election. At least 10 days before the election, the Secretary of the Tribal Business Council shall post the names of all candidates in each voting community. In the event that any community has no qualified candidate, as provided herein, such community may nominate one or more candidates by petition, signed by at least 10 qualified voters of such community.

ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a council member shall die, resign, permanently remove from the reservation, or be removed for cause, the Council shall declare such position vacant and shall elect to fill the unexpired term from a list of names recommended by a petition signed by a majority of the voters of the community in which the vacancy occurs, and provided that the person elected or appointed by the Tribal Business Council to fill the unexpired term shall be a resident of the community in which the vacancy occurred, and otherwise eligible for the office.

SEC. 2. The Tribal Business Council may expel a member for cause by seven or more members voting for such expulsion, but before any vote is taken on the matter, such member shall be given an opportunity to answer any and all charges at a designated meeting of the Council, and the decision of the Tribal Business Council shall be final as to the expulsion or retention of such member.

ARTICLE VI — POWERS

SECTION 1. The Three Affiliated Tribes of the Fort Berthold Reservation, acting through their Tribal Business Council shall have the powers enumerated in this Article, but any power exercised through that council shall be subject to a popular referendum as provided in this Constitution.

SEC. 2. The exercise of the powers enumerated in this Constitution is subject to any limitations imposed by the Statutes of the United States or the Constitution of the United States, and to all express restrictions upon such powers contained in this Constitution and Bylaws.

SEC. 3. The powers enumerated in this Section 3 shall be subject to the approval of the Secretary of the Interior, and may be exercised through the Tribal Business Council which shall have the power, subject to popular referendum as provided in Article VIII of this Constitution:

(a) To present and prosecute any claims or demands of the Three Affiliated Tribes, and to assist members of the Three Affiliated Tribes in presenting their claims or grievances before any court or agency of government, and to employ attorneys of record or representatives for such services, and to determine their fees.

(b) To promulgate ordinances governing law enforcement on the reservation, and to set up courts for the trial and punishment of offenders against such ordinances in cases which do not come within the jurisdiction of the Federal courts exclusively.

(c) To promulgate ordinances and to adopt rules and regulations and codes for the regulation of the domestic relations of members, and governing marriage, divorce, legitimacy, adoption, the care of dependents, the punishment of offenses against the marriage relationship, and the issuance of licenses and decrees of divorce all of the matters enumerated in this section to be administered by the Tribal Business Council through a reservation or tribal court, except such of these matters as the Tribal Business Council may by ordinance or resolution leave to state laws and courts.

(d) To remove or exclude from the limits of the reservation, non-members of the tribe, excepting authorized government officials and other persons now occupying reservation lands under lawful authority, and to prescribe appropriate rules and regulations governing such removal and exclusion, and governing the conditions under which non-members of the tribe may come upon tribal lands or have dealings with the tribal members; and to levy taxes or license fees on non-members doing business within the reservation, such acts to be consistent with Federal laws governing trade with Indian Tribes.

SEC. 4. Any resolution or ordinance which, by the terms of this Constitution, is subject to review by the Secretary of the Interior shall be presented to the Superintendent of the Fort Berthold Reservation, who shall, within 10 days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Tribal Business Council of his veto.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him within 10 days after its enactment, he shall advise the Tribal Business Council of his reasons therefor, If these reasons appear to the Council insufficient it may by a majority vote, refer the resolution or ordinance to the Secretary of the Interior, who may, within 90 days of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 5. The Tribal Business Council shall have the following powers, the exercise of which shall be subject to popular referendum as hereinafter provided in this Constitution.

(a) To manage all economic affairs and enterprises of the Three Affiliated Tribes of the Fort Berthold Reservation in accordance with the terms of a charter to be issued to them by the Secretary of the Interior.

(b) To create and maintain a Tribal Business Council Fund by accepting grants or donations from any person, State, or the United States, or by income from tribal enterprises, or by levying assessments of not less than 10 cents and not to exceed $1 per year per capita on the qualified voters of the Three Affiliated Tribes, and to require the performance of labor in lieu thereof, provided the payment of such per capita levy shall be made before any person shall vote in any election held more than 6 months after the date of said levy.

(c) To administer any funds or property within the exclusive control of the tribe; to make expenditures from available tribal funds for public purposes of the tribe, including salaries or other remuneration of tribal officials or employees. Such salaries or remuneration shall be paid only for services actually rendered. All expenditures from the Tribal Business Council Fund shall be by resolution duly passed by the Council to such effect, and the amounts so paid shall be matters of public record at all times.

(d) To negotiate with the Federal, State amd local governments on behalf of the tribe, and to advise and consult with the representatives of the Interior Department on all activities of that department that may affect the Fort Berthold Reservation.

(e) [Section 5(e) was stricken in its entirety in special election of November 21, 1961, Amendment II.]

(f) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Three Affiliated Tribes prior to the submission of such estimates or projects to the Bureau of the Budget and to Congress.

(g) To purchase land of members of the organization under condemnation proceedings in courts of competent jurisdiction.

(h) To regulate the inheritance of real and personal property, other than allotted lands, within the territory of their jurisdiction.

(i) To make assignments and leases of tribal lands, and otherwise to manage tribal lands, interests in tribal lands, and property upon such lands, in conformity with Article IX of this Constitution.

(j) To protect and preserve the property, wildlife, and natural resources of the tribes; to regulate hunting and fishing on tribal lands; and to cultivate and preserve native arts, crafts, culture, ceremonials, and traditions.

(k) To make recommendations to the Superintendent of the Fort Berthold Agency, the

Commissioner of Indian Affairs, or the Secretary of the Interior, concerning the appointment and removal of employees assigned to duty on the Fort Berthold Reservation.

(l) To adopt resolutions regulating the procedure of the Tribal Business Council and other tribal agencies and tribal officials of the reservation.

SEC. 6. Likewise subject to popular referendum, the Tribal Business Council may exercise such further powers as may in the future be delegated to the Three Affiliated Tribes of the Fort Berthold Reservation by the Secretary of the Interior or by any other duly authorized official or agency of government.

SEC. 7. Any rights and powers heretofore vested in the three tribes of the Fort Berthold Reservation, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of the Fort Berthold Reservation through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE VIII — REFERENDUM

Upon a petition signed by at least 10 percent of the qualified voters of each community, demanding a referendum on any proposed or enacted ordinance or resolution of the Tribal Business Council, the council shall call an election and the vote of a majority of the qualified voters voting in such referendum shall be binding upon the Tribal Business Council, provided that at least 30 percent of the eligible voters shall vote in such referendum.

ARTICLE IX — LAND

SECTION 1. The Tribal Business Council shall have authority to manage and lease or otherwise deal with tribal lands and resources in accordance with law and to prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets.

SEC. 2. Tribal lands. The unallotted lands of the Fort Berthold Indian Reservation and all lands which may hereafter be acquired by the Three Affiliated Tribes or by the United States in trust for the Three Affiliated Tribes, shall be held as tribal lands and no part of such land shall be mortgaged, sold, or ceded, except as permitted by law and then only with the consent and approval of the Secretary of the Interior. Tribal land shall not be allotted to individual Indians but may be assigned to members of the Three Affiliated Tribes, or leased, or otherwise used by the tribe as hereinafter provided.

SEC. 3. Leasing of Tribal Land. - (a) Tribal land may be leased by the Tribal Business Council, with the approval of the Secretary of the Interior, for such periods as permitted by law. (b) Grazing permits covering tribal lands may be issued by the Tribal Business Council, with the approval of the Secretary of the Interior, for such periods of time as permitted by law.

SEC. 4. Assignments of Tribal Land. - (a) The Tribal Business Council may by ordinance, approved by the Secretary of the Interior, provide for granting and tenure of assignments of tribal land to members of the tribe. (b) Any member of the tribe who owns an allotment or any share of heirship land or patent-in-fee land may voluntarily transfer his interest in such land to the tribe in exchange for an assignment to the same land or for other land or a proportionate share in other tribal assets.

SEC. 5. Use of Unassigned Tribal Land. - Tribal land which is not leased or assigned, including tribal timber lands, shall be managed by the Tribal Business Council subject to the approval of the Secretary of the Interior, for the benefit of the members of the tribe.

SEC. 6. Acquisition of Land by Tribe. - The Tribal Business Council of the Three Affiliated Tribes is hereby authorized and empowered to acquire by purchase, exchange of tribal land, relinquishment, or otherwise any lands or interests in land for and on behalf of the Three Affiliated Tribes under such terms as may be agreed upon provided the acquisition is approved by the Secretary of the Interior.

ARTICLE X — AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment when requested by a two-thirds (2/3) vote of the Tribal Council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters.

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BY-LAWS OF THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The Chairman of the Tribal Business Council shall preside at all meetings of the council and direct the work of its officers. He shall appoint, subject to the approval of the council, such standing committees and special committees and other officers as the business of the tribe may require.

In the absence of the chairman from any regular council meeting or any special meeting regularly called, the vice chairman shall preside in his place, and he shall have all the privileges, duties, and responsibilities of the chairman in his absence.

SEC. 2. The Secretary of the Tribal Business Council shall conduct all correspondence of the council, shall keep all records, minutes of meetings, and an accurate roll of members by communities. He shall receive all petitions, applications and other papers and prepare them for the action of the council. He shall promptly submit a copy of the minutes of each council meeting to the Superintendent of the agency. He shall perform such other clerical duties relating to the business of the council as it may direct.

SEC. 3. The Treasurer of the Tribal Business Council shall accept, receipt for, keep, and safeguard all funds in the custody of the council, whether they be tribal funds or special funds for which the council is acting as trustee or custodian. He shall deposit all such funds in a bank or elsewhere as directed by the council and shall make and keep a faithful record of such funds, and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody to the council at regular meetings and at such times as requested by the council, his reports to be in writing and matters of record.

He shall not expend or otherwise disburse any funds in his possession or in the possession or custody of the Tribal Business Council except when he is authorized to do so by resolution duly passed by the council. All checks shall be signed by the Treasurer and shall be countersigned by the Chairman of the Tribal Business Council, and all checks issued prior to July 1, 1940, shall be approved by the Superintendent of the reservation.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the council, and at such other times as the council or the Commissioner of Indian Affairs may direct. The Treasurer shall be required to be under a surety bond satisfactory to the council and to the Commissioner of Indian Affairs.

SEC. 4. The Tribal Business Council, or an election board appointed by it, shall certify to the election of the duly elected council members within 3 days after the election, and the newly elected councilmen who have been certified shall be installed at the first meeting of the Tribal Business Council thereafter, upon subscribing to the oath of office as follows: "I do solemnly swear that I will support and defend the Constitution of the United States and the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, and will faithfully and impartially discharge the duties of councilman to the best of my ability."

SEC. 5. The duties of all appointed committees and officers shall be clearly defined by resolution of the council at the time of their appointment, and such committees and officers shall report from time to time as required by the council, and their activities and decisions shall be subject to review by the council at any time.

ARTICLE II — SALARIES

The Tribal Business Council may prescribe such salaries for council members and tribal officers appointed by the council as it deems advisable, from such funds as may be available, provided that no compensation shall be paid to any tribal officer out of any tribal funds except by resolution duly passed and approved by the council, and subject to popular referendum the same as other powers of the council, and further provided that no compensation shall be paid to any tribal officer out of tribal funds under the control of the Federal Government except upon a resolution stating the amount of the compensation and the nature of the services rendered, and said resolution shall be of no effect until approved by the Secretary of the Interior.

ARTICLE III — MEETING OF COUNCIL

SECTION 1. The regular meetings of the Tribal Business Council shall be held at Elbowoods, N. Dak., on the second Thursday of each month.

SEC. 2. Special meetings may be called by the Chairman or by any three councilmen who shall notify all members of the council at least twenty-four (24) hours before the time of convening such meeting unless a majority of the council approve a shorter call in an emergency.

SEC. 3. Seven members shall constitute a legal quorum of the Tribal Business Council.

SEC. 4. In the absence of the Chairman and Vice Chairman if a quorum is otherwise present, the Secretary shall act as chairman until a temporary chairman is selected.

SEC. 5. At the first meeting of a newly elected Tribal Business Council, it shall establish by resolution a regular order of business such as: Roll call, reading of minutes of previous meeting, report of Treasurer, report of committees, unfinished business, new business, etc.

ARTICLE IV — ADOPTION OF CONSTITUTION AND BYLAWS

This Constitution and attached Bylaws, when adopted by a majority of the qualified voters of the Arickara, Gros Ventres, and Mandan Tribes of the Fort Berthold Reservation, voting at a special election called by the Secretary of the Interior, in which at least 30 percent of those qualified shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in effect from the date of his approval.

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CERTIFICATION OF ADOPTION

Pursuant to an order, approved March 11, 1936, by the Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to the members of the Arickara, Gros Ventres, and Mandan Tribes of the Fort Berthold Reservation and was on May 15, 1936, duly ratified by a vote of 366 for, and 220 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

GEORGE W. GRINNELL,
Chairman of Election Board.

ARTHUR MANDAN,
Chairman of Business Council.

PETER H. BEAUCHAMP,
Secretary.

W.R. BEYER, Superintendent.

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I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and Bylaws are hereby declared inapplicable to the members of the Three Affiliated Tribes.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended June 3, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior

[SEAL]

Washington, D.C., June 29, 1936.

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[Approval and adoption details of Amendments I (October 16, 1956) and II (December 22, 1961) were not provided.]

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